



Annual Title VI Compliance and Implementation Plan October 2016

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TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY

ANNUAL TITLE VI COMPLIANCE AND IMPLEMENTATION PLAN

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Purpose

The Tennessee Department of Safety and Homeland Security affirms its policies to assure all individuals the opportunity to participate in federal financially assisted programs. The Department of Safety and Homeland Security adopts Title VI of the Civil Rights Act of 1964, as codified in 42 U.S.C. 2000d, which states "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance".

General Agency Overview

The Tennessee Department of Safety and Homeland Security (TDOSHS) was established in 1939 by the General Assembly to exercise the authority of the Tennessee Highway Patrol (THP). During its 77 years of service, the department has evolved into a multi-faceted agency providing five main areas of service: law enforcement, driver services, terrorism prevention, education and training, and administrative support. While each area performs distinctly different functions, they all work together toward the department's mission, which is to serve, secure, and protect the people of Tennessee. *(See Appendix A for an organizational chart of the department.)*

The department's services extend to virtually everyone within the state's borders, including: motorists, commercial motor vehicle firms and operators, and other state and local law enforcement agencies. TDOSHS interacts with students, teachers, courts, financial institutions, insurance companies, and the news media.

Approximately half of the employees are commissioned law enforcement officers. The department has a strong local presence throughout the state with its eight patrol districts, eleven homeland security districts, the Tennessee Highway Safety Office, and 44 driver service centers, and with the county clerks and municipal city administrators who serve as the department's agents for driver licensing services.

The Department of Safety and Homeland Security is accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA) since 1999. In 2012, The Tennessee Law Enforcement Accreditation (TLEA) Program governing board also awarded the Tennessee Department of Safety and Homeland Security state accreditation. The department is the first state agency in Tennessee to earn both state accreditation and national accreditation by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). We are recognized as an outstanding law enforcement agency demonstrating excellence in management service by meeting an established set of professionally developed criteria. The Department of Safety and Homeland Security's programs touch virtually everyone in the state. The vital nature of the department's legislative mandates makes it especially important for TDOSHS to be at the forefront of responsive, effective public service.

General Order 201-1, "Equal Employment Opportunity", (see *Appendix B for full text of all General Orders on nondiscrimination discussed in this section*) outlines the policy of the Department of Safety and Homeland Security to provide equal employment opportunity for all qualified persons, without discrimination because of race, color, religion, sex, national origin, ancestry, age, disability or other non-job related factors, and to comply with all laws, federal and state, dealing therewith.

General Order 216-1, "Ethics, Compliments, Complaints and Disciplinary Regulations", section IX, part 6, discusses expectations of courtesy from all Department of Safety and Homeland Security employees. This section also states that employees shall not express any prejudice concerning race, religion, politics, national origin, lifestyle, or similar personal characteristics.

General Order 217, "Workplace Harassment and Illegal Discrimination", establishes guidelines that ensure the Tennessee Department of Safety and Homeland Security workplace is free of harassment and illegal discrimination based on a person's race, color, national origin, age (over 40), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and/or federal civil rights laws. Further, this written policy shall ensure that the Department of Safety and Homeland Security is free of a hostile or offensive work environment.

Responsible Officials

This Title VI Compliance Report has been reviewed, and is respectfully submitted, to the Tennessee Human Rights Commission.

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Definitions

1. Assurance: A written statement or contractual agreement signed by the agency head in which a recipient agrees to administer federally assisted programs in accordance with civil right laws and regulations.
2. Beneficiaries: Those persons to whom assistance, services or benefits are ultimately provided.
3. Civil Rights Compliance Reviews: Regular systematic inspections of agency programs conducted to determine regulatory compliance with civil rights laws and regulations. Compliance reviews determine compliance and noncompliance in the delivery of benefits and services in federally assisted programs. These reviews help to measure the effectiveness of agency civil rights programs. They identify problems, such as denial of full benefits, barriers to participation, different treatment, lack of selection to advisory boards and planning committees, lack of information, and denial of the right to file a civil rights complaint. Compliance reviews may be conducted on-site or through desk audits.
4. Complaints: A verbal or written allegation of discrimination which indicates that any federally assisted program is operated in such a manner that it results in disparity of treatment to persons or groups of persons because of race, color, or national origin.
5. Compliance: The fulfillment of the requirements of Title VI, or other applicable laws, implementing regulations and instructions to the extent that no distinctions are made in the delivery of any service or benefit on the basis of race, color, or national origin. (See also conciliatory agreement and noncompliance)
6. Conciliatory Agreement: A voluntary agreement between a federal agency and the state or between the state and a sub-recipient that provides for corrective action to be taken by a recipient to eliminate discrimination in any program receiving federal assistance.
7. Contractor: A person or entity that agrees to perform services as a specified price.
8. Desk Audit: A desk audit is a structured paper review of statistical and narrative information submitted by recipients or agency program offices of compliance information obtained before or without going on site, conducted according to review procedures. Desk audits include routine reviews of assurance forms or other documents to ensure that they have been properly completed.

9. Discrimination: To make any distinction between one person or group of persons and others, either intentionally, by neglect, or by the effect of actions or lack of actions based on race, color, or national origin.
10. Federal Assistance: Any funding, property, or aid provided for the purpose of assisting a beneficiary.
11. Minority: A person or groups of persons differing from others in some characteristics and often subjected to differential treatment on the basis of race, color or national origin.
12. Noncompliance: Failure or refusal to comply with Title VI of the Civil Rights Act of 1964, other applicable civil rights laws, and implementing Departmental regulations. (See Compliance)
13. Parity: The proportion of minority participation to the minority eligible population of a service delivery point is the same as the proportion of non-minority participation to the non-minority eligible population of the same delivery point.
14. Post-Award Review: A routine inspection of agency programs during and after federal assistance has been provided to the beneficiary or recipient. These reviews may be cyclical or based on a priority system contingent upon the potential for noncompliance through on-site visits; however, desk audits and other mechanisms may also be used to assess operation of federally assisted programs. A post-award review may result in a written report that shows the compliance status of agency program offices and recipients. When necessary, the report will contain recommendations for corrective action. If the program office or recipient is found to be in noncompliance, technical assistance and guidance must be provided to bring the recipient into voluntary compliance. If voluntary compliance cannot be secured, formal enforcement action is then initiated.
15. Potential Beneficiaries: Those persons who are eligible to receive federally assisted program benefits and services.
16. Pre-Award Review: A desk audit of the proposed operations of a program applicant for federal assistance prior to the approval of the assistance. The Department must determine that the program or facility will be operated such that program benefits will be equally available to all eligible persons without regard to race, color, or national origin. The applicant may provide methods of administering the program designed to ensure that the primary recipient and sub-recipients under the program will comply with all applicable regulations and correct any existing or developing instances of noncompliance. If the documentation provided by the applicant for the desk audit is inadequate to determine compliance, then on-site evaluation may be necessary.

17. **Public Notification:** The process of publicizing information on the availability of programs, services and benefits to minorities and statements of non-discrimination. This is attained through use of newspapers, newsletters, periodicals, radio and television, community organizations, and grassroots and special needs directories, brochures, and pamphlets.
18. **Recipient:** Any state, political subdivision of any state, or instrumentality of any state or political subdivision, any public or private agency, institution, or organization, or other entity or any individual in any state to whom federal financial assistance is tended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but not including any ultimate beneficiary under such program.
19. **Service Delivery Area:** The area served by a service delivery point in the administration of federally assisted programs.
20. **Service Delivery Point:** The place in which federally assisted program services or benefits are administered to the public.
21. **Title VI of the Civil Rights of 1964, 42 U.S.C. 2000d:** The federal law prohibiting discrimination based on race, color, or national origin. It covers all forms of federal aid except contracts of insurance and guaranty. It does not cover employment, except where employment practices result in discrimination against program beneficiaries or where the purpose of the federal assistance is to provide employment.

Non-discriminatory Policy

Title VI of the Civil Rights Act of 1964, and related nondiscrimination authorities, provide that no person shall on the grounds of race, color, national origin, sex, age, disability, low income, or limited English proficiency (LEP) be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified Title VI to specify that entire institutions receiving Federal funds—whether schools and colleges, government entities, or private employers—must comply with Federal civil rights authorities, rather than just the particular programs or activities that receive the funds.

Nondiscrimination programs require that Federal-aid recipients, sub-recipients, and contractors prevent discrimination and ensure nondiscrimination in all of their programs and activities, whether those programs and activities are federally-funded or not. If a unit of a State or local government is extended Federal aid and distributes such aid to another governmental entity, all of the operations of the recipient and sub-recipient are covered. Corporations, partnerships, or other private organizations or sole proprietorships are covered in their entirety if such entity received Federal financial assistance.

The Tennessee Department of Safety and Homeland Security (TDOSHS) is committed to ensuring that no person in the State of Tennessee shall, on the basis of race, color, national origin, sex, age, disability, low income, or limited English proficiency be excluded from participation in, denied benefits of, or otherwise be subjected to discrimination under any and all programs, services, or activities administered by the department, its recipients, sub-recipients, and contractors. TDOSHS, as a recipient of federal financial assistance, will ensure full compliance with Title VI of the Civil Rights Act of 1964 and related nondiscrimination authorities; 49 CFR Part 21 (United States Department of Transportation Title VI Regulation); 49 CFR Part 303 (FMCSA Title VI Program Regulation), the signed FMCSA Title VI Program Assurance; Executive Order 12898, which prohibits discrimination based on income status in addition to minority populations; Executive Order 13166, which prohibits discrimination based on limited English proficiency; and related nondiscrimination authorities.

The Title VI Coordinator is authorized to ensure compliance with the provisions of TDOSHS's policy of non-discrimination and with the law. The Title VI Coordinator is responsible for initiating, monitoring, and ensuring TDOSHS's compliance with Title VI requirements and will ensure implementation of TDOSHS's non-discrimination policy. Additionally, all TDOSHS Managers/Directors and all responsible personnel are directed to assist the Title VI Program Coordinator in the effective implementation of the Title VI Program. Any person who believes that he or she has, individually, or as a member of any specific class of persons, been subjected to discrimination on the basis of race, color, national origin, sex, age, disability, LED, or low income status may file a confidential Title VI complaint with TDOSHS. Please send any complaints related to this policy to:

Title VI Coordinator
1158 Foster Avenue
Nashville, TN 37243
Fax: 615-401-7688
email.safety@tn.gov

Complaint forms can be obtained from the Title VI Coordinator's office located at the same address above.

TDOSHS and its sub-recipients or contractors will provide to THRC upon request during normal business hours either electronic and/or hard copy Title VI Program-related documents.

Sandra Curll is hereby designated as the Title VI Program Coordinator to implement the TDOSHS's Title VI program. Additionally, all TDOSHS Directors/Managers and all responsible personnel are directed to assist the Title VI Program Coordinator in the effective implementation of the Title VI Program.

David W. Purkey

9/29/16

David Purkey
Commissioner

Date

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Tennessee Department of Safety and Homeland Security
Title VI/Non-Discrimination Assurances
Federal Motor Carrier Safety Administration

The **Tennessee Department of Safety and Homeland Security** (herein referred to as the "TDOSHS"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the Federal Motor Carrier Safety Administration (FMSCA), is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d, et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- Federal-Aid Highway Act of 1973, (23 U.S.C. §324, et seq.), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. §1681, et seq.), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794, et seq.) as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. §6101, et seq.), (Prohibits discrimination on the basis of age);
- 28 C.F.R. Part 35 (entitled Discrimination On The Basis of Disability In State And Local Government Services);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- 49 C.F.R. Part 21 (entitled Nondiscrimination in Federally-Assisted Programs Of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964);
- 49 C.F.R. Part 27 (entitled Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance);
- 49 C.F.R. Part 28 (entitled Enforcement Of Nondiscrimination On The Basis of Handicap In Programs Or Activities Conducted By The Department of Transportation);
- 49 C.F.R. Part 37 (entitled Transportation Services For Individuals With Disabilities (ADA); and

- 49 C.F.R. Part 303 (FMCSA's Title VI/Nondiscrimination Regulation).

The preceding statutory and regulatory cites are hereinafter referred to as the "Acts" and "Regulations", respectively.

Although not applicable to TDOSHS directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by TDOSHS to ensure that Federal agencies carry out their responsibilities. Executive Order 12898, 3 C.F.R. 859 (1995) (entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low income Populations") emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI, to ensure nondiscrimination against minority populations. TDOSHS is aware that certain Title VI matters raise Environmental Justice concerns and is committed to evaluating and revising its existing procedures (as appropriate) to address and implement Environmental Justice considerations.

Additionally, Executive Order 13166, 3 C.F.R. 289 (2001) on Limited English proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the "application of Title VI's prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency." When receiving Federal Funds, TDOSHS will conduct the Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT's "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons," dated December 14, 2005, (70 Fed. Reg. at 74987 at 74100 which is a useful resource when performing a Four-Factor Analysis).

General Assurances

In accordance with the Acts, the Regulations, Executive Orders and other relevant directives, circulars, policies, memoranda and/or guidance, TDOSHS hereby gives assurance that it will promptly take any measures necessary to ensure that:

No person in the State of Tennessee shall, on the basis of race, color, national origin, sex, age, or disability, low income, or limited English proficiency be excluded from participation in, denied benefits of, or otherwise be subjected to discrimination under any and all programs, services, or activities administered by the department, its recipients, sub-recipients, and contractors.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other nondiscrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of TDOSHS, as long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above General Assurances, TDOSHS agrees with and gives the following Assurances with respect to its federally assisted FMCSA Program:

- TDOSHS agrees that each "activity" will be facilitated; that each "facility" will be operated; or that each "program" will be conducted; as "activity", "facility", and "program" are defined in §§21.23 (b) and 21.23 (e) of 49 C.F.R. §21; in compliance with all requirements imposed by or pursuant to the Acts and the Regulations;
- TDOSHS will insert the following notification in all solicitations for bids, Requests For Proposals for work, or materials subject to the Acts and the Regulations made in connection with all Federal Motor Carrier Safety Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Tennessee Department of Safety and Homeland Security, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat.252,42 U.S.C. §§ 2000d to 2000d-4) and the Registrations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner's race, color, national origin, sex age, disability, income-level, or limited English proficiency in consideration for an award."

- That where TDOSHS receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facilities operated in connection therewith;
- That where TDOSHS receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;
- TDOSHS agrees that this Assurance obligates TDOSHS for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates TDOSHS, or any transferee for the longer of the following periods:
 - The period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or

- The period during which TDOSHS retains ownership or possession of the property.
- TDOSHS will provide for such methods of administration for the program as are found by the Secretary of Transportation of the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
- TDOSHS agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.
- By signing this ASSURANCE, TDOSHS also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing FMCSA access to records, accounts, documents, information, facilities, and staff. TDOSHS also recognizes that it must comply with any program or compliance reviews, and/or complaint investigations conducted by the FMCSA. TDOSHS agrees to keep records, reports, and submit the material for review upon request to FMCSA, or its designee in a timely, complete, and accurate way. Additionally, TDOSHS will comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
- TDOSHS gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by TDOSHS under the FMCSA Program. This ASSURANCE is binding on the State of Tennessee, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the FMCSA Program. The person (s) signing below is authorized to sign this ASSURANCE on behalf of TDOSHS.

David W. Purkey

9/29/16

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Date



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Organization of the Civil Rights Office

The responsibility for coordinating Title VI in the Department of Safety and Homeland Security is assigned to the Title IV Coordinator, Sandra Curll. The Title VI coordinator is responsible for facilitating the annual Title VI training for contractors and department employees. Annual audits of contractors are also received and reviewed by the Title VI coordinator.

Administrative responsibilities are assigned to each program director of individual federal grants for the purpose of monitoring compliance. The Legal Division and the Human Resources Division of the Department of Safety and Homeland Security serve as advisors to the Title VI Coordinator and project directors of programs that receive federal funds.

Discriminatory Practices

It is the policy and intention of the Tennessee Department of Safety and Homeland Security to fully comply with Title VI.

Prohibited discriminatory practices include:

1. Discriminatory practices towards an individual based upon race, color, or national origin for services or for information and assistance of any program;
2. Providing any service or other benefit to an individual which is different, or is provided in a different manner, from that provided to another individual, such as the mode or style of service;
3. Subjecting an individual to segregation or separate treatment in any matter related to his or her receipt of any service or any other benefit;
4. Restricting an individual in any way in the enjoyment of services, facilities, or any other advantage, privilege, or other benefit provided to others under any program;
5. Adopting methods of administration that would limit participation by any group of recipients or subject them to discrimination, including submitting bids for services and receiving contracts of subcontracts, and personnel specifics such as hiring, firing and granting raises;
6. Denying a person the opportunity to participate as a member of a planning or advisory body that is an integral part of Title VI. Every application of federal assistance shall contain, as a condition of approval, an assurance that the program will be conducted in compliance with all requirements imposed by Title VI. In administration of programs, when recipients have previously discriminated against persons on the grounds of race,

color, or national origin, the recipients will take affirmative action to overcome the effects of prior discriminations;

7. Addressing an individual in a manner that denotes inferiority because of race, color, or national origin.

Federal Programs or Activities

The Department delivers its mandated and optional services through 11 major programs. A brief synopsis of each program is listed below as well as the amount of federal and state dollars that were budgeted for each program.

Program Areas

The administrative and support services area is responsible for the overall administration of the department, including establishing rules, regulation and policies, and providing basic support services for department operations. Within the Administration program are the Commissioner and his immediate staff; Fiscal Services; Internal Audit; Human Resources; Supply; Inspectional Services Bureau; Research, Planning and Development; Supply; Talent Management and the Legal Division.

Driver Services issues driver licenses (both regular and commercial), photo identification licenses, and handgun carry permits. Driver Services also houses the Financial Responsibility section, which provides oversight for drivers who have suspended or revoked licenses. In addition, the program partners with county clerks through no cost contracts to offer selected services through their offices.

The Highway Patrol Program was established to protect the traveling public and is responsible for the enforcement of all federal and state laws relating to traffic in general and relating to the safe operation of commercial vehicles on Tennessee roads and highways. The program has grown to include a number of other significant services, devoted to such functions as school buses, auto-theft, and general protective enforcement services.

The Motorcycle Rider Education Program (MREP) is responsible for establishing standards for administering the motorcycle rider education program for Tennessee residents who currently ride, or those interested in learning to ride, motorcycles safely. This is accomplished primarily through overseeing two types of training programs - one for novice riders and one for experienced riders.

Auto Theft Investigation provides operational expenses to support the department's work in the area of vehicular thefts. This program is purely a self-supporting funding mechanism, with no positions, and is directed by the Criminal Investigations Division.

Motor Vehicles Operations provides all commissioned officers with a vehicle to be used to enforce traffic laws on all state roads. The Department currently patrols 70,652 miles of state roads and interstates. The program also provides pool cars for other departmental staff to carry out their duties.

Driver Education develops, promotes, and coordinates programs that increase public awareness of highway safety. The two mandated services for Driver Education are (1) promoting safety on Tennessee highways and (2) regulating commercial driving schools. Primary means of fulfilling these mandates are through presentations, public service announcements, demonstrations, and inspecting and licensing commercial driving schools statewide.

Major Maintenance provides funds for buildings, sites and departmentally specific items that are not covered under the Facilities Revolving Fund. This includes 52 communication sites (both radio towers and remote radio repeater sites) and such locations as the federally funded roadside commercial motor vehicle scale houses.

The Technical Services program encompasses services revolving around vehicle and driver data, as well as managing the systems that collect and house the data. The program thus has two major aspects: Information Technology and Information Processing.

Executive Order 8 designates The Office of Homeland Security (OHS) as the office having primary responsibility and authority for directing the state's homeland security activities and to serve as a liaison with government and private agencies on matters of homeland security. The Terrorism Prevention and Response Act of 2002 compels law enforcement to take steps to prevent terrorist acts to the fullest extent possible.

The Tennessee Highway Safety Office's mission is to develop, execute and evaluate programs to reduce the number of fatalities, injuries and related economic losses resulting from traffic crashes on Tennessee's roadways. The office works in tandem with the National Highway Traffic Safety Administration to implement programs focusing on occupant protection, impaired driving, speed enforcement, truck and school bus safety, pedestrian and bicycle safety, and crash data collection and analysis (*effective April 1, 2016*).

Budget/Amounts of Federal and State Dollars

The table below identifies the department's programs and the allocation of state and federal dollars that were budgeted for fiscal year 2015-2016.

<u>PROGRAM</u>	<u>FEDERAL</u>	<u>STATE</u>	<u>TOTAL FUNDS</u>
Administration	\$ 0	\$9,759,300.00	\$10,305,300.00
Driver License Issuance	\$1,667,000.00	\$13,233,500.00	\$48,767,600.00
Highway Patrol	\$7,513,200.00	\$92,299,800.00	\$107,043,500.00
Motorcycle Education	\$ 0	\$509,100.00	\$509,100.00
Auto Theft Investigations	\$ 0	\$0	\$349,800.00
Motor Vehicle Operations	\$ 0	\$11,585,500.00	\$11,585,500.00
Driver Education	\$ 0	\$283,500.00	\$273,500.00
Major Maintenance	\$ 0	\$9,600.00	\$9,600.00
Technical Services	\$165,000	\$1,054,500.00	\$7,815,700.00
Homeland Security	\$0	\$1,800,000.00	\$3,408,400.00
Communications	\$0	\$12,678,500.00	\$13,758,300.00
Tennessee Highway Safety Office	\$19,395,200.00	\$0	\$19,730,200.00
TOTALS	\$28,740,400.00	\$143,213,300.00	\$223,566,500.00

The Department of Safety and Homeland Security receives various grants to perform specific functions as specified in the grant guidelines. These grants generally provide money for equipment, supplies, and employee overtime. The table below lists all federal grants the department is currently utilizing. Other than those listed, there were no pending applications for federal financial assistance at the time of this writing.

GRANT NAME	FEDERAL SHARE	FUNDING	AMOUNT CLAIMED	UNCLAIMED BALANCE	CLAIMED THROUGH
REAL ID GRANTS					
COMMERCIAL DRIVER'S LICENSE GRANTS					
C D L IMPROVEMENT GRANT 09	100%	\$ 643,858.00	\$ 538,632.40	\$ 105,225.60	3/31/2015
C D L IMPROVEMENT GRANT 13	100%	\$ 1,413,775.00	\$ 726,808.37	\$ 686,966.63	9/6/2016
C D L IMPROVEMENT GRANT 14	100%	\$ 854,925.00	\$ 410,988.79	\$ 443,936.21	8/16/2016
C D L IMPROVEMENT GRANT 15	100%	\$ 1,039,920.00	\$ 158,262.35	\$ 881,657.65	6/30/2016
FEDERAL MOTOR CARRIER GRANTS					
2015 MCSAP HIGH PRIORITY	80%	\$ 107,997.00	\$ 94,693.59	\$ 13,303.41	6/11/2016
2016 MCSAP HIGH PRIORITY	80%	\$ 90,436.00	\$ -	\$ 90,436.00	N/A
MOTOR CARRIER SAFETY 2015	80%	\$ 4,149,553.00	\$ 3,294,007.24	\$ 855,545.76	6/30/2016
MOTOR CARRIER SAFETY 2016	80%	\$ 3,984,233.00	\$ 36,630.11	\$ 3,947,602.89	6/12/2016
NEW ENTRANT 15	100%	\$ 709,393.00	\$ 709,393.00	\$ -	6/15/2016
NEW ENTRANT 16	100%	\$ 713,090.00	\$ -	\$ 713,090.00	N/A
C V I S N. 13	50%	\$ 1,970,000.00	\$ 706,746.00	\$ 1,263,254.00	6/15/2016
PRISM 15	100%	\$ 375,000.00	\$ -	\$ 375,000.00	7/7/2016
OFFICE OF CRIMINAL JUSTICE GRANTS					
JAG Tactical	75%	\$ 60,000.00	\$ 54,289.20	\$ 5,710.80	8/12/2016
JAG THP Field Trooper Equipment	75%	\$ 180,000.00	\$ -	\$ 180,000.00	6/20/2016
JAG Domestic Violence PSA Campaign	75%	\$ 450,000.00	\$ 39,600.98	\$ 410,399.02	6/20/2016
US DEPARTMENT OF COMMERCE					
SLIGP	80%	\$ 2,361,340.00	\$ 1,469,204.01	\$ 892,135.99	8/1/2016
HOMELAND SECURITY GRANTS					
OHS TFC HSGP2015	0%	\$ 195,609.00	\$ 55,786.28	\$ 139,822.72	8/1/2016
OHS HSGP 2015	0%	\$ 499,100.00	\$ 457,572.65	\$ 41,527.35	8/18/2016
GOVERNOR'S HIGHWAY SAFETY GRANTS					
BELTS 2016	0%	\$ 130,068.48	\$ 88,141.00	\$ 41,927.48	8/18/2016
SOBER UP 2016	0%	\$ 750,000.00	\$ 458,959.79	\$ 291,040.21	8/18/2016
DRAGON 2016	0%	\$ 71,116.80	\$ 59,509.34	\$ 11,607.46	8/18/2016
NIGHTTIME SEATBELT ENFORCEMENT 2016	0%	\$ 10,000.00	\$ 4,091.98	\$ 5,908.02	8/18/2016
TITAN 2016	0%	\$ 1,600,000.00	\$ 968,116.52	\$ 631,883.48	7/11/2016
Bristol 2016	0%	\$ 35,913.60	\$ 15,070.80	\$ 20,842.80	7/15/2016
FATAL CRASH REPORTING GRANT					
F A R S. 2012	100%	\$ 660,000.00	\$ 451,715.43	\$ 208,284.57	7/15/2016
DEA - MARIJUANA TASK FORCE GRANT					
MARIJUANA TASK FORCE 2016	0%	\$ 550,000.00	\$ 191,485.64	\$ 358,514.36	8/23/2016
HIGH INTENSITY DRUG TRAFFIC GRANTS					
HIDTA (cannot exceed \$15,000 per Trooper)	100%	\$ 80,000.00		\$ 1,672.91	4/25/2016
DHI			\$ 5,517.48		
DHE IP			\$ 32,992.67		
DEA STTF			\$ 12,356.87		
DEA UETTF			\$ 12,148.01		
DEA RTTF			\$ 11,035.88		
Gulf Coast			\$ 4,276.18		
OTHER					
Westat, Inc. Research	100%	\$ 50,000.00	\$ 25,696.51	\$ 24,303.49	8/18/2016
Total Claimed			\$ 11,093,756.38		

Data Collection and Analysis

The Department of Safety and Homeland Security currently collects race/gender demographics from all applicants who seek service in the Driver License stations. Data reported below shows the race/gender makeup of applicants in FY 15-16 whose transactions successfully completed.

Title VI Demographics for Driver Licenses Issued FY 15-16		
	Percentage	Total
Female	48.676%	979,557
Male	51.324%	1,032,842
U	0%	0
		2,012,399
	Percentage	Total
African American	18.987%	382,100
Asian	2.058%	41,418
Hispanic	2.945%	59,292
Native American	0.177%	3,551
Other	1.127%	22,677
White	74.705%	1,503,361

Tennessee census data for 2015, taken from the U.S. Census website (www.quickfacts.census.gov) shows the demographics for driver services applicants to be representative of the state population in terms of both race and gender makeup.

TENNESSEE 2015 CENSUS DATA (Total Population 6,600,299)				
Race				
% African American	% White	% Asian	% Other	
17.1%	78.8%	1.8%	2.3%	
Gender				
% Female	% Male			
51.30%	48.70%			

In the Motorcycle Rider Education Program, the system currently being used does not allow for reporting race data. The agency does, however, currently collect gender data on MREP participants. Numbers reported below are for FY 15-16.

Male MREP Participants	Female MREP Participants	Total Participants
4,871 (76.3%)	1,513 (23.7%)	6,384

In order to maintain CALEA accreditation (*see Appendix B for full text of CALEA standards involving equal opportunity and recruitment*), the Department of Safety and Homeland Security is required to track the percentage of commissioned officers by race and by gender. While CALEA does not require the agency to report these same statistics for non-commissioned staff, they are tracked

in a report available in the Edison system. Numbers reported below are current as of September 29, 2015.

Preferred			Executive			Non-Preferred			Non-Competitive			Total		
All		% of Total	All		% of Total	All		% of Total	All		% of Total	All		% of Total
Whites	1157	80.3%	Whites	91	85.5%	Whites	55	67.9%	Whites	8	53.3%	Whites	1314	79.8%
Blacks	245	17.0%	Blacks	15	13.6%	Blacks	25	30.9%	Blacks	7	46.7%	Blacks	292	17.7%
Asian	7	0.5%	Asian	0	0.0%	Asian	0	0.0%	Asian	0	0.0%	Asian	7	0.4%
Indian	8	0.6%	Indian	0	0.0%	Indian	0	0.0%	Indian	0	0.0%	Indian	8	0.5%
Spanish	16	1.1%	Spanish	0	0.0%	Spanish	1	1.2%	Spanish	0	0.0%	Spanish	17	1.0%
Other	8	0.6%	Other	1	0.9%	Other	0	0.0%	Other	0	0.0%	Other	9	0.5%
Total	1441		Total	110		Total	81		Total	15		Total	1647	
White Males	819	88.7%	White Males	61	89.7%	White Males	25	73.5%	White Males	4	57.1%	White Males	909	88.1%
Black Males	78	8.5%	Black Males	7	10.3%	Black Males	9	26.5%	Black Males	3	42.9%	Black Males	97	9.4%
Asian Males	5	0.5%	Asian Males	0	0.0%	Asian Males	0	0.0%	Asian Males	0	0.0%	Asian Males	5	0.5%
Indian Males	6	0.7%	Indian Males	0	0.0%	Indian Males	0	0.0%	Indian Males	0	0.0%	Indian Males	6	0.6%
Spanish Males	10	1.1%	Spanish Males	0	0.0%	Spanish Males	0	0.0%	Spanish Males	0	0.0%	Spanish Males	10	1.0%
Other Males	5	0.5%	Other Males	0	0.0%	Other Males	0	0.0%	Other Males	0	0.0%	Other Males	5	0.5%
Total Males	923		Total Males	68		Total Males	34		Total Males	7		Total Males	1032	
White Females	338	65.3%	White Females	33	78.6%	White Females	30	63.8%	White Females	4	50.0%	White Females	405	65.9%
Black Females	167	32.2%	Black Females	8	19.0%	Black Females	16	34.0%	Black Females	4	50.0%	Black Females	195	31.7%
Asian Females	2	0.4%	Asian Females	0	0.0%	Asian Females	0	0.0%	Asian Females	0	0.0%	Asian Females	2	0.3%
Indian Females	2	0.4%	Indian Females	0	0.0%	Indian Females	0	0.0%	Indian Females	0	0.0%	Indian Females	2	0.3%
Spanish Females	6	1.2%	Spanish Females	0	0.0%	Spanish Females	1	2.1%	Spanish Females	0	0.0%	Spanish Females	7	1.1%
Other Females	3	0.6%	Other Females	1	2.4%	Other Females	0	0.0%	Other Females	0	0.0%	Other Females	4	0.7%
Total Females	318		Total Females	42		Total Females	47		Total Females	8		Total Females	615	
	1441			110			81			15			1647	

Limited English Proficiency

The Department of Safety and Homeland Security makes every effort to assist our traveling public with limited English proficiency. To this end, we utilize a variety of methods to help ease communications.

In a continued effort to make our documents more accessible and easy to read, the Department offers various documents translated into languages other than English. The Tennessee Highway Patrol's Child Restraint Device Safety brochure has been translated into Spanish. The Legal Division has also made available in Spanish a brochure on administrative hearings procedures. The Department has brochures available online that pertain to DUI laws and Graduated Driver Licenses. Applicants for a driver license can take the computerized DL test in Spanish, Korean, Japanese and German (Chattanooga only). Applicants whose first language is not English may also use a translation dictionary as long as there are not notes or handwriting visible in the book if taking the English-language version.

The Tennessee Highway Patrol holds a contract with AVAZA for translation services. If a trooper needs an interpreter he or she can either call, or have dispatch call a toll free number. The preferred method is for troopers to allow dispatch to call and patch the trooper through to the translating service. This way, each phone conversation is recorded for future reference or verification, if needed. Each district has been given an access code and client id. The caller dials the toll free number and enters the access code, then advises the language needed for interpretation. Someone speaking that language will then come online and interpret for the trooper. Contact information for AVAZA is:

AVAZA
209 10th Ave South, Suite 112
Nashville, TN 37203

The department has an LEP policy (General Order 271), which outlines specific policies for all employees. This policy explains how to access the language translation vendor and gives more detailed information for each program. The policy is easily accessible to all employees in the Power DMS system with all other agency General Orders. *(See Appendix D for General Order 271 containing LEP policy.)*

Complaints of Discrimination

During FY 2015-2016, there were two (2) Title VI complaints filed in relation to provision of issuance of a driver license or any other services offered by our department. *(See appendix C for the complaint log, which details specifics.)*

No lawsuits were filed alleging discrimination on the basis race, color, or national origin under any federally funded program or activity in FY 2015-2016.

Complaint Procedures

This complaint procedure pertains to Title VI only. Other charges of discrimination are processed in accordance with established policies and procedures and are not in any way associated with Title VI.

A complaint alleging discrimination against a facility or division of the Tennessee Department of Safety and Homeland Security may be filed as an internal complaint and/or as an external complaint. An internal complaint may be filed with the Title VI Coordinator. An external complaint may be filed at the federal level, which is the regional Office for Civil Rights, U.S. Department of Justice. Title VI complaints must be filed with TDOSHS within 180 days of the alleged discriminatory act.

Internal complaints must be filed in writing, preferably, on Form DOS VI-1. *(All forms are attached in Appendix E).* The form can be filled out by the complainant, by his or her representative, or by the Title VI Coordinator. A copy of the complaint must be sent to the Title VI Coordinator. If the complainant is unwilling to complete Form DOS VI-1, the complainant may write, or have someone write, a letter stating the circumstances of the complaint. The Title VI Coordinator must then fill out Form DOS VI-1 and attach it to the complainant's letter. The Title VI Coordinator has the primary responsibility for receiving and acknowledging complaints, alerting the Investigational Service Bureau to investigate complaints, and for notifying the complainant of the findings.

When the Title VI Coordinator receives a complaint, a fact-finding investigation will be conducted by the Inspectional Services Bureau within thirty (30) calendar days from receipt of the complaint. The Title VI Coordinator will then issue a report *(see Appendix E, Form DOS VI-3)* in

a timely manner. If the report finds a violation of Title VI, the Title VI Coordinator should include any proposed remedial action in the report. Within five (5) calendar days after the issuance of this report, the written findings will be given to the complainant. The complainant's right to appeal, which will include instructions for filing, will also be provided at this time.

An appeal by a complainant regarding a finding made by the Title VI Coordinator may be filed with the Commissioner's designee. This appeal opportunity constitutes the second, and last, level in the Department's internal complaint system.

When a finding is appealed from the Title VI Coordinator to the Commissioner's designee, the Title VI Coordinator must forward a copy of the complaint (Form DOS VI-1), the findings (Form DOS VI-3), and the request for appeal (Form DOS VI-4) within ten (10) calendar days after the date of the appeal. The Title VI Coordinator must maintain a Title VI complaint log identifying information and type and status of each complaint filed.

When an appeal is filed, the Commissioner's designee has wide latitude to review the case and make a finding. Procedures can include, but are not limited to, discussing the complaint with the complainant and the alleged offender, reviewing any documents or appropriate information, and interviewing the initial reviewer in order to ascertain the facts. The Commissioner's designee must conduct a complete fact finding investigation within thirty (30) days after receipt of the appeal. When an appeal is concluded, a copy of the findings will be sent to the Title VI Coordinator. The complainant will then be informed of the findings in writing.

Once the Commissioner's designee has issued a written finding, a complainant who wishes to pursue the complaint further may choose to appeal the charges to the federal level, which is the U.S. Department of Justice. Appeal rights should be explained to the complainant at this time.

If the complaint is filed both within the Department and external to the Department, the external federal complaint will supersede the internal complaint. Therefore, the internal complaint procedures of the Department of Safety and Homeland Security will be suspended pending the outcome of the external, or federal, complaint.

Form DOS VI-2 (Withdrawal of Complaint or Appeal for Fair Hearing) should be used if a complaint or a request for an appeal is withdrawn.

An external appeal to the U.S. Department of Justice can be filed at any time within one hundred and eighty (180) days from the date of the alleged discrimination.

Title VI Training

The Highway Patrol has implemented a block of instruction on Title VI for the in-service training of all commissioned personnel, which began in March 2008. This Title VI training has continued in all subsequent in-service classes. Also, there are portions of Title VI covered in various THP courses.

Additionally, the Department of Safety and Homeland Security provides training on Cultural Diversity, Police Ethics and Legal Issues, and Safe and Legal Traffic Stops (SALTS), to all recruits during initial training on an annual basis. The training is certified by Peace Officer Standards Training (POST). The curriculum is designed to address ethical core values and legal issues that law enforcement officers may encounter during routine traffic stops and the contents of the Civil Rights Act of 1964 Title VI bill. Title VI information is also being referenced in all Respectful Workplace classes taught to new departmental employees.

The Driver License Issuance Division continues to work to improve delivery of services to international customers and individuals with limited English proficiency. Each year, the division conducts policy and procedure training for all new examiners and supervisors statewide. During this training staff are informed of the department's commitment to the goals and objectives of Title VI, their responsibilities under Title VI, as well as customer service techniques for processing LEP applicants. The division also delivers Title VI training to county clerk contractors that provide services on the department's behalf by making the training materials available and posting a test online. This year each county clerk partner either completed Title VI training materials provided by TDOSHS, or submitted documentation of Title VI training received through their county government. Each county clerk partner and MREP contractor submitted an assurance of Title VI training for FY 15-16 to the Title VI coordinator.

Newly hired employees are required to attend a New Employee Workshop (NEW) program. During NEW, employees are briefed on the nondiscrimination General Orders mentioned earlier in this document and asked to sign each one. Employees are also given information on Title VI from the Department of Justice website. *(See Appendix G for a sample of the DOJ information included in the NEW packet.)*

The department now has the capacity to track the Title VI training for the entire department, as the training has been loaded into the Power DMS automated system. In FY 15-16, 1,588 of TDOSHS' 1,616 employees (98.3%) completed Title VI training through our Power DMS system. Employees who did not complete the training may have been either on extended medical leave, or military leave, or otherwise unavailable to access the system. A report listing all employees who completed training can be made available upon request. *(See Appendix G for a copy of the Title VI training presentation, as well as the Title VI test over the material.)*

Sub-recipient Monitoring

The Department of Safety and Homeland Security shall conduct periodic reviews to determine the compliance of its sub-recipients and contractors with all Title VI regulations. The agency has 39 county clerk partners and two (2) city municipalities who offer driver license services through no-cost contracts. There are also seven (7) contractors who offer Motorcycle Rider Education Program classes on behalf of TDOSHS. The agency affirms its commitment to make available any compliance reports collected as requested by the Tennessee Human Rights Commission.

Pre-Award Procedures

In order to achieve the Department of Safety and Homeland Security's objective of complying with Title VI, appropriate activities, forms, monitoring documents, complaint processing, inquiry responses and assurance statements are activated in any programs which receive federal and/or state funding, in whole or in part. This policy and procedure for Title VI compliance of the Civil Rights Act of 1964 by the Department of Safety and Homeland Security took effect on July 1, 1995.

Contracts between Department of Safety and Homeland Security and agencies that provide services to the public on the department's behalf contain standard language regarding nondiscrimination. Section D.7 of the contract states:

"The Contractor hereby agrees, warrants, and assures that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this Contract or in the employment practices of the Contractor on the grounds of disability, age, race, color, religion, sex, national origin, or any other classification protected by federal, Tennessee state constitutional, or statutory law. The Contractor shall, upon request, show proof of such nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination."

No Title VI training is given to contractors pre-award, but County Clerks and MREP contractors are given Title VI training post-award.

Post-Award Procedures

Annually the Department will conduct an audit of contracting agencies to evaluate their compliance with the provisions of Title VI. For those programs that utilize contractors or agents that act on behalf of the department (e.g. county clerks), random visits will be conducted by a representative of the department on an annual basis to ensure the facility serving the public is in compliance with Title VI guidelines. *(See Appendix F for copy of compliance audit forms)*

During FY 15-16, all 39 county clerks, the 2 city municipal governments, and all 7 MREP contract instructors were audited for Title VI compliance by a staff member of TDOSHS. Audit forms

were submitted to the Title VI coordinator, who then reviewed them for compliance. All contract agencies were found to be in compliance.

Currently, the Driver Services Division does offer post-award Title VI training to newly-signed county clerks and their staff. Effective FY 2014-2015, training for all County Clerk and MREP contractors was also set up and delivered electronically. If the clerks already received Title VI training through their county government, they sent documentation of that in lieu of doing the TDOSHS training. The county clerks and MREP contractors are also given a copy of the agency's Title VI plan and posters to be displayed in public areas of their facilities.

Procedures for Noncompliance

Any contracting agency or division found guilty of violating the provisions of Title VI shall be given a written notice. The failure to eliminate further discrimination within thirty (30) days from receipt of notice will be considered as a violation of the terms of the contract and a basis for contract suspension, termination, or rejection. The enforcement procedure used by the Department of Safety and Homeland Security for the termination of a contract agency from participation as a recipient of federal financial assistance will be in accordance with enforcement procedures. Any contracts for services are conducted through the established processes of the Tennessee Department of General Services.

Contract Agencies

The table on pages 28 and 29 lists all contract agencies that deliver services to the public on the Department of Safety and Homeland Security's behalf.

Vendor Name	Contract Type	Description	Begin Date	Expire Date
Amy L Brown	SVC (FA) Type Contract	RFS 34901-00123	08/01/2012	07/31/2017
Anderson County Clerk	SVC(NC) Type Contract	RFS#34901-00157	10/01/2012	09/30/2017
Benton County Govt	SVC(NC) Type Contract		07/01/2012	06/30/2017
Cambridge Systematics Inc	SVC (FA) Type Contract	RFS 34901-00029	06/15/2010	06/14/2018
Campbell County Govt	SVC(NC) Type Contract	RFS#34901-00125	07/01/2012	06/30/2017
Cheatham Co.	SVC(NC) Type Contract	RFS#34901-00146	09/01/2012	08/31/2017
Chester County	SVC(NC) Type Contract	RFS#34901-00159	10/01/2012	09/30/2017
City of Clarksville	SVC(RV) Type Contract	Performing DL Transactions	12/15/2015	12/14/2020
City of Lawrenceburg	SVC(RV) Type Contract	Performing DL Transactions	02/01/2015	01/31/2020
Claiborne County Govt	SVC(NC) Type Contract	RFS#34901-00126	07/01/2012	06/30/2017
Clay County	SVC(NC) Type Contract	RFS#34901-00160	10/01/2012	09/30/2017
Cocke County Clerk	SVC(NC) Type Contract	RFS#34901-00161	10/01/2012	09/30/2017
County Clerk of Knox County	SVC(NC) Type Contract	RFS#34901-00134	07/01/2012	06/30/2017
County of Grundy	SVC(NC) Type Contract		07/01/2012	06/30/2017
Dickson County	SVC(NC) Type Contract	RFS#34901-00147	09/01/2012	08/31/2017
Edward L Bales	SVC (FA) Type Contract	34901-00198	09/30/2013	08/31/2018
Giles County Clerk	SVC(NC) Type Contract	RFS#34901-00148	09/01/2012	08/31/2017
Gorden Catlett	SVC (FA) Type Contract	34901-00195	09/01/2013	08/31/2018
Gorden Catlett	SVC (FA) Type Contract	34901-00194	09/01/2013	08/31/2018
Gorden Catlett	SVC (FA) Type Contract	34901-00197	09/01/2013	08/31/2018
Grainger County Clerk	SVC(RV) Type Contract	Performing DL Transactions	02/22/2016	12/31/2020
Hall & Associates Reporti	SVC (FA) Type Contract	RFS 34901-00230	09/01/2014	08/31/2019
Hall & Associates Reporti	SVC (FA) Type Contract	RFS 34901-00230	09/01/2014	08/31/2019
Hall & Associates Reporti	SVC (FA) Type Contract	RFS34901- 00231	09/01/2014	08/31/2019
Hamblen County Govt	SVC(NC) Type Contract	RFS#34901-00162	10/01/2012	09/30/2017
Hamilton County Clerk's Office	SVC(NC) Type Contract	RFS#34901-00163	10/01/2012	09/30/2017
Hancock County	SVC(NC) Type Contract	RFS#34901-00128	07/01/2012	06/30/2017
Hawkins County	SVC(NC) Type Contract	RFS#34901-00129	07/01/2012	06/30/2017
Haywood County	SVC(NC) Type Contract	RFS#34901-00164	10/01/2012	09/30/2017
Henderson County	SVC(NC) Type Contract	RFS#34901-00130	07/01/2012	06/30/2017
Henry County	SVC(NC) Type Contract	RFS#34901-00131	07/01/2012	06/30/2017
Houston County	SVC(NC) Type Contract	RFS#34901-00165	10/01/2012	09/30/2017
Jefferson County Clerk	SVC(NC) Type Contract	RFS#34901-00132	07/01/2012	06/30/2017
Johnson County Clerk	SVC(NC) Type Contract	RFS#34901-00133	07/01/2012	06/30/2017
Karl E Batson	SVC (FA) Type Contract	34901-00199	09/01/2013	08/31/2018
Karl E Batson	SVC (FA) Type Contract	34901-00202	09/01/2013	08/31/2018
Lake County Govt	SVC(NC) Type Contract	RFS#34901-00135	07/01/2012	06/30/2017
Linda Roberts	SVC (FA) Type Contract	Court Reporter Svs – Dyersburg	09/15/2015	09/13/2020
Marshall County Clerk	SVC(NC) Type Contract	RFS#34901-00136	07/01/2012	06/30/2017
Metropolitan Govt of Nashville & Davidson	SVC(NC) Type Contract	RFS#34901-00158	10/01/2012	09/30/2017
Monroe County Clerk and Master	SVC(NC) Type Contract	RFS#34901-00137	07/01/2012	06/30/2017
Morgan County Govt	SVC(NC) Type Contract	RFS 34901-00119	01/30/2012	12/31/2016
Nicole M Gafford	SVC (FA) Type Contract	RFS#34901-00111	01/01/2012	12/31/2016

Polk County Govt	SVC(NC) Type Contract	RFS#34901-00138	07/01/2012	06/30/2017
Putnam County Board of Ed	SVC(NC) Type Contract	34901-00238	09/01/2014	08/31/2019
Rhea County	SVC(NC) Type Contract	RFS#34901-00149	09/01/2012	08/31/2017
Roy M Curry Jr	SVC (FA) Type Contract	34901-00228	09/01/2014	08/31/2019
Roy M Curry Jr	SVC (FA) Type Contract	34901-00229	09/01/2014	08/31/2016
Roy M Curry Jr	SVC (FA) Type Contract	RFS#34901-00155	01/01/2013	12/31/2017
Scott County Clerk	SVC(NC) Type Contract	RFS#34901-00139	07/01/2012	06/30/2017
Sequatchie County	SVC(NC) Type Contract	RFS#34901-00167	10/01/2012	09/30/2017
Sullivan County Clerk	SVC(NC) Type Contract	RFS#34901-00154	09/01/2012	08/31/2017
Tina M Carter	SVC (FA) Type Contract	Court Reporter – Cookeville	05/01/2016	12/31/2016
Unicoi County	SVC(NC) Type Contract	RFS#34901-00168	10/01/2012	09/30/2017
Union County Clerk	SVC(NC) Type Contract	RFS#34901-00169	10/01/2012	09/30/2017
Washington County	SVC(NC) Type Contract	RFS#34901-00150	09/01/2012	08/31/2017
Wayne County	SVC(NC) Type Contract	RFS#34901-00151	09/01/2012	08/31/2017
William N Gleason	SVC (FA) Type Contract	34901-00201	09/01/2013	08/31/2018
William N Gleason	SVC (FA) Type Contract	34901-00200	09/01/2013	08/31/2018
William N Gleason	SVC (FA) Type Contract	34901-00196	09/01/2013	08/31/2018
William N Gleason	SVC (FA) Type Contract	34901-00193	09/01/2013	08/31/2018
Wilson County Clerk	SVC(NC) Type Contract	RFS#34901-00152	09/01/2012	08/31/2017

Currently, the Tennessee Highway Safety Office, in accordance with Executive Order 53, is a part of the department. The sub-recipient contracts through 09/30/2016 will be reported under the Tennessee Department of Transportation. New contracts have not been submitted to local/county agencies.

Public Notice and Outreach

The purpose of Title VI of the Civil Rights Act of 1964 is to prohibit programs that receive federal funds from discriminating against participants or clients on the basis of race, color, or national origin. The intent of the law is to ensure that all persons, regardless of their race, color, or national origin, are allowed to participate in these federally funded programs. To ensure that the Tennessee Department of Safety and Homeland Security meets its responsibility to provide for monitoring of Title VI Compliance activities and complaint processing, the Department welcomes input from members of the public to revise and update its Title VI plan.

The Tennessee Department of Safety and Homeland Security informs potential employees, beneficiaries, and others about Title VI. Written information is distributed that details what Title VI encompasses and how someone may file a complaint under Title VI. The annual Title VI Compliance and Implementation plan is also posted on the agency's website at www.tn.gov/safety.

Compliance Reporting

The Department of Safety and Homeland Security may be asked by other agencies to provide Title VI information for various reasons. In FY 2015-2016, the agency was asked to complete Title VI training for the Department of Transportation, and to complete a Title VI assurance form.

The Department of Finance and Administration requires our agency to report Title VI information because we are recipients of Office of Criminal Justice program funding in the form of Byrne-JAG grants. The AOC requires the department to report Title VI information as a result of being awarded Governor's Highway Safety Office funds for the Integrated Criminal Justice (ICJ) portal. The agency does not have any reporting requirements to any other federal agencies.

Evaluation Procedures

The Department of Safety and Homeland Security will continue to make strides toward improving its Title VI program. Some of the areas that the department will continue to focus on over the next fiscal year include: compliance audits, training, and data collection.

Compliance audits – The Title VI Coordinator maintains a Title VI compliance audit schedule. This year, all contract agencies that provide services on behalf of the Department of Safety and Homeland Security were audited by a Department of Safety and Homeland Security representative. In Driver Services, the district supervisors conducted one audit per year on each of the county clerks in his or her district. In MREP, TDOSHS staff responsible for regular inspections of the MREP programs conducted Title VI audits of the contractors who provide MREP courses on behalf of the department. The Title VI coordinator will attend a minimum of one TRAC meeting with the Driver Services district managers in FY 15-16 in order to ensure that they understand Title VI audits and what it means to be fully compliant. *(See Appendix F for a copy of the Compliance Audit schedule and completion dates.)*

Training – Title VI training will be once again be offered electronically through Power DMS for TDOSHS employees. The Title VI Coordinator will work with Human Resources to review the module on Title VI included in New Employee Orientation for any necessary updates. As needed, improvements will continue to be made to the Title VI refresher training for County Clerks and MREP contractors and its delivery and tracking.

Data Collection – The Title VI Coordinator will continue to explore the data collected by the agency in order to identify data related to Title VI that could be utilized in next year's Compliance Plan.

TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY

2015-2016 TITLE VI COMPLIANCE PLAN

APPENDICES

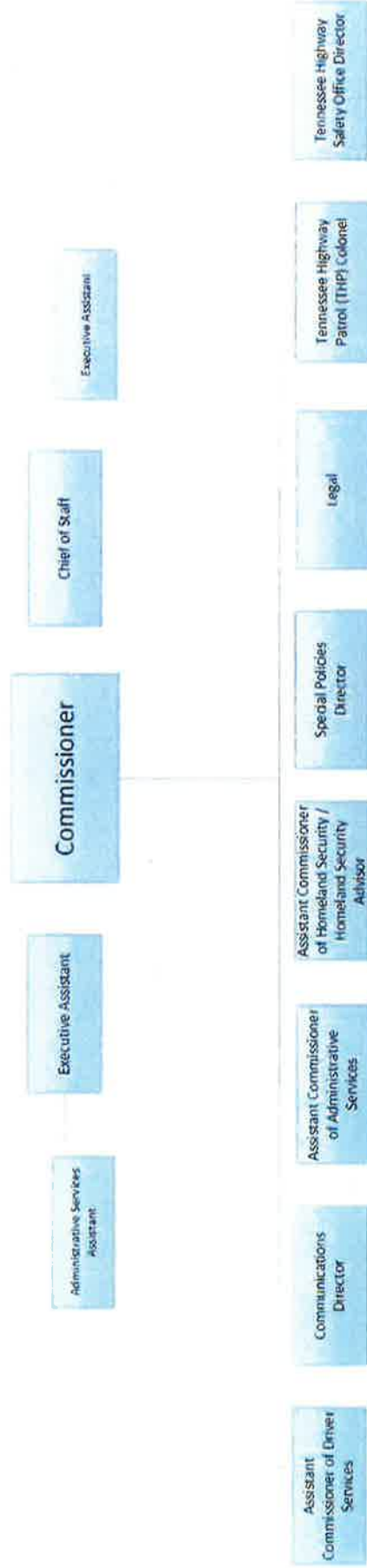
- A. Tennessee Department of Safety and Homeland Security Organizational Chart
- B. TDOSHS Nondiscrimination General Orders and CALEA Standards
- C. Documentation of Title VI Complaint(s)
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- E. Title VI Forms
 - DOS VI-1 Complaint Under Title VI of Civil Rights Act of 1964
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APPENDIX A

**TN DEPARTMENT OF SAFETY AND
HOMELAND SECURITY
ORGANIZATIONAL CHART**

Tennessee Department of Safety and Homeland Security

Commissioner Purkey's Direct Reports



September 26, 2016

Tennessee Department of Safety and Homeland Security

Administrative Services

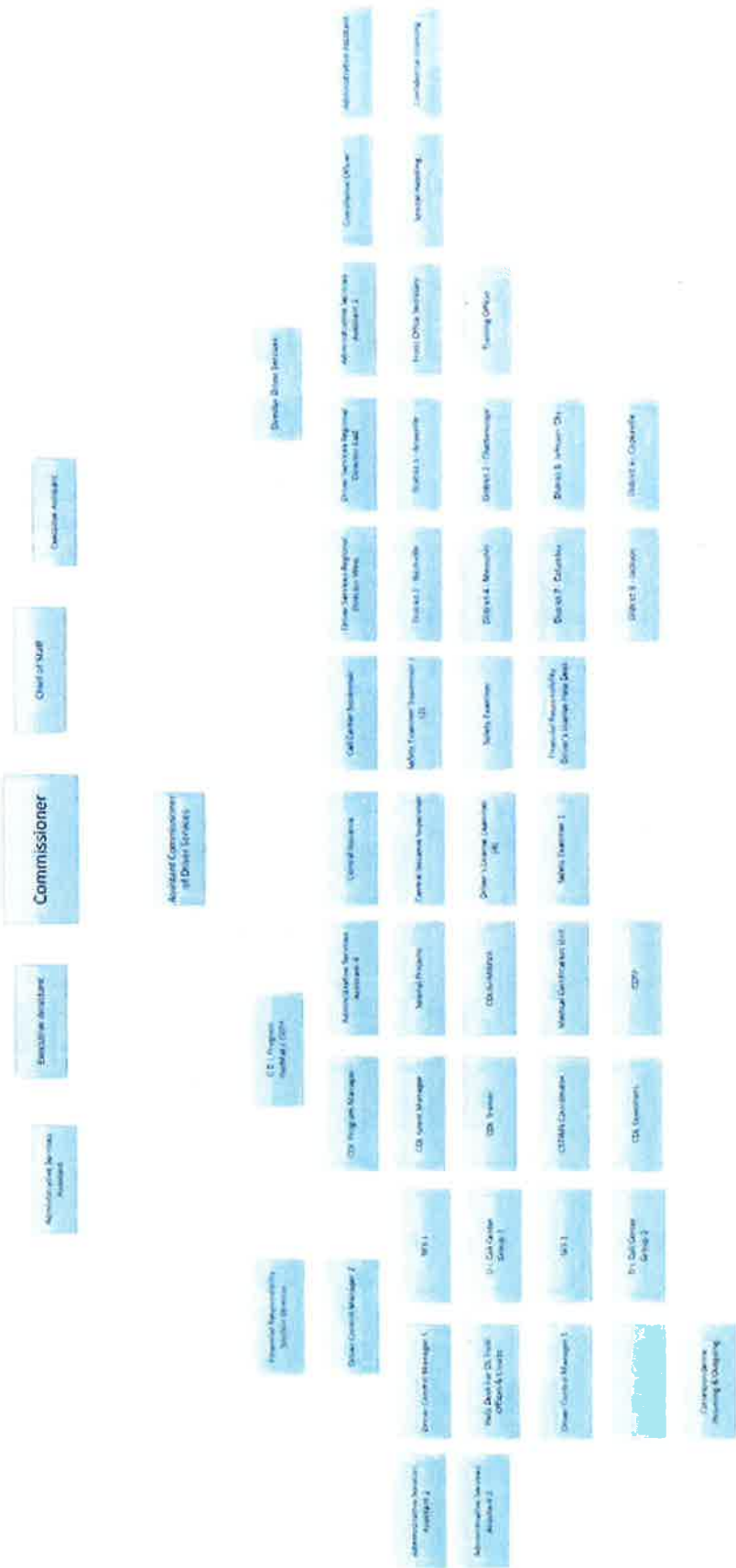


September 26, 2016

Administrative Services
Division

September 26, 2016

Tennessee Department of Safety and Homeland Security



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Tennessee Highway Safety Office



September 26, 2016

APPENDIX B

GENERAL ORDERS &

CALEA STANDARDS ON

NONDISCRIMINATION



GENERAL ORDER

Number: 201-1
Page: 1 of 1
Subject: Equal Employment Opportunity (EEO)
Date: 15 January 2013
Distribution: All Employees

I. PURPOSE:

To establish policy and procedures for the employees of the Tennessee Department of Safety and Homeland Security (DOSHS) concerning the above captioned subject.

II. POLICY:

It is the policy of the DOSHS to provide equal employment opportunity for all qualified persons, without discrimination because of race, color, religion, sex, national origin, ancestry, age, disability or other non-job related factors, and to comply with all laws, Federal and State, dealing therewith.

III. RESPONSIBILITIES:

- A. The Human Resources Director shall be the Departmental EEO Officer and is responsible for:
 - 1. Maintaining an effective affirmative action program to ensure equality in all employment matters;
 - 2. Assuring that supervisors are properly trained in EEO obligations.
 - 3. Ensuring that sufficient staff is maintained to provide authorized training, technical assistance, developing or updating affirmative action plans and reports.
- B. The Department shall have a Title VI Coordinator, appointed by the Commissioner, which shall ensure that the Department is in compliance with Title VI of the Civil Rights Act of 1964 (Tennessee Code Annotated (TCA) 4-21-901).

IV. PROCEDURES:

- A. Any employee or supervisor who becomes aware of illegal discrimination shall use the complaint procedure set forth in General Order 217, "Workplace Harassment and Illegal Discrimination."

***This Order Supersedes General Order(s): 201-1, 24 October 2008.
C.A.L.E.A. Standard(s): 31.2.3**



GENERAL ORDER

Number: 216-1
Page: Page 1 of 10
Subject: Investigating Complaints and Documenting Compliments
Date: 15 June 2013
Distribution: All Employees

I. PURPOSE:

To establish policy and procedures for the employees of the Tennessee Department of Safety and Homeland Security (DOSHS) concerning the above subject.

II. POLICY:

The DOSHS is committed to providing the highest quality of service to the public and Department. The Department will not tolerate any employee conducting themselves in a manner which will reflect negatively upon the professional image of the Department.

It is the policy of the DOSHS to receive and record compliments and complaints. Complaints will be thoroughly investigated regardless of their nature and bring the matter to a conclusion. Additionally, it is the policy of the Department to protect employees from false charges of misconduct or wrongdoing by obtaining the facts and completing a thorough investigation.

III. DEFINITIONS:

- A. **Administrative Investigation** - A more extensive and structured investigation generally conducted by the Inspectional Services Bureau (ISB).
- B. **Commissioner** - Commissioner of the Tennessee Department of Safety and Homeland Security.
- C. **Complaints** - Defined as any of the following:
 - 1. Allegations of violations of laws, rules, regulations, policies, and/or procedures.
 - 2. Specific allegation(s) made by an anonymous party.
 - 3. A Valid Complaint is **Not** a dispute that pertains to matters that must be adjudicated in court (e.g., law violations and fine costs), and traffic crash disputes involving the public, and does not allege a violation of policy.

***This Order Supersedes General Order(s): 216-1, 31 December 2012.**

C.A.L.E.A. Standard(s): 1.2.9, 11.4.5, 22.3.2, 26.1.1, 26.1.4, 26.1.5, 26.1.8, 52.1.1, 52.1.2, 52.1.3, 52.1.4, 52.1.5, 52.2.1, 52.2.2, 52.2.3, 52.2.4, 52.2.5, 52.2.6, 52.2.8, 54.1.1

- D. **Compliment** - Formal and respectful recognition of an employee of the DOSHS from someone outside the Department.
- E. **Department (DOSHS)** - Tennessee Department of Safety and Homeland Security.
- F. **Employee** - Anyone who works for the Department in any capacity.
- G. **Investigate** - To systematically examine the details to determine the facts of an event/incident.
- H. **Information Only** - A review of information provided by a complainant that is minor in nature and may be easily resolved without a formal investigation.
- I. **Inquiry** - An investigation of a matter conducted by the employee's supervisor or assigned investigator where the allegations are not serious or because an extensive investigation may be unnecessary.
- J. **Members** - Employees who have been commissioned by the Department as law enforcement officers.
- K. **Misconduct** - Any act or omission, which if committed by an employee, would violate a state or federal law, policy, procedure, rule, regulation, and/or lawful order issued by the Department.
- L. **ISB** - Inspectional Services Bureau.
- M. **Uniformed Personnel** - are employees who are required to wear a uniform while performing their duties.
- N. **Written Notification** - includes notification by the following means: electronic, e-mail, fax, and/or letter.

IV. THE INSPECTIONAL SERVICES BUREAU:

Objective:

To thoroughly investigate complaints against Departmental employees in an unbiased manner and to provide the Captain/Section Head/Director/Supervisor with the facts so they can make an informed decision to recommend discipline or not to recommend discipline.

- A. Authority of the Inspectional Services Bureau (ISB):
 - 1. The Section Head of the ISB shall report directly to the Commissioner or his/her designee.
- B. The ISB was established within the Department to ensure its employees maintain the highest standards of integrity and ethical performance.

1. The ISB shall document compliments and ensure complaints are thoroughly investigated. Employees should be notified of all complaints received against them, unless it is recorded as "information only" or doing so would jeopardize the investigation.

Note: Allegations of Workplace Harassment and Illegal Discrimination will be investigated as outlined in GO 217.

2. All investigations shall thoroughly examine relevant and available information. Investigations shall examine the conduct and performance of employees who are the subject of the complaint. **If the investigation reveals the employee's supervisor was negligent, the Captain/Section Head/Director/Supervisor may request an internal investigation into the neglect of duty by the respective supervisor.**
3. The ISB shall accept and investigate anonymous complaints and complaints filed by persons other than the alleged victim(s) of misconduct.
 - a. The ISB has the obligation to investigate possible violations of laws, rules, regulations, policy, procedures, etc., even if the person(s) providing the information does not want a complaint filed.
4. **The Section Head of the ISB should take appropriate steps to ensure accurate records/files of all internal investigations are properly maintained.**
5. The ISB investigative case files shall be maintained in a secure and confidential manner. ISB investigation files will not be released to employees or the public until the employee, who is the subject of the investigation, has been served with the results of the investigation or at the discretion/direction of the Commissioner or designee. Closed ISB case files are subject to the Open Records Act and may be released upon written request, unless there is a related pending criminal investigation pursuant to Rule 16 of the Rules of Criminal Procedure.
6. ISB investigation files shall be maintained ten (10) years after the employee separates from the DOSHS, except Inquiry Complaints (IQ) or Citizen Complaints (CC) that result in a finding of Unfounded or Exonerated which will be maintained for one (1) year.

V. DOCUMENTING COMPLIMENTS AND INVESTIGATION OF COMPLAINTS:

- A. DOSHS employees must set good examples and should be held in high regard by all citizens. The public justifiably expects integrity, reliability, and trustworthiness from our employees. Therefore, all compliments and complaints received concerning employees of the Department will be forwarded to the ISB. Compliments shall be forwarded to the employee, employee's supervisor, and the ISB. Complaints will be investigated by the ISB or a designated Captain/Section Head.

B. COMPLAINT DETERMINATION:

When making a determination of how or to what extent to proceed with an investigation, the ISB should evaluate the following:

1. The source of the complaint;
2. The severity of the allegation;
3. The time elapsed since the alleged complaint occurred; and
4. Any other aggravating or mitigating circumstances surrounding the complaint.

C. CATEGORY OF COMPLAINTS:

Complaints will be categorized as either **Information Only**, **Inquiry Complaint**, **Citizen Complaint**, or **Administrative Complaint**.

1. Information Only (IO) complaints deal with, but are not limited to, personality conflicts, traffic citation disputes, long wait lines at Driver Service Centers, etc.
2. Inquiry (IQ) complaints are usually minor in nature, and normally do not allege serious or severe misconduct as outlined in the Disciplinary Matrix.
3. Citizen (CC) complaints are complaints that are received from citizens that allege misconduct by Departmental employees.
4. Administrative (AD) complaints are more serious or severe in nature as outlined in the Disciplinary Matrix.
5. During the course of an examination or investigation, an IO or IQ may be upgraded to an AD, if factual information determines the employee violated Departmental or DOHR policy and procedures and/or state or Federal law.
6. **All sustained IO or IQ complaints, regardless of what the initial category was, that result in a recommendation of disciplinary action will be assigned an AD number.**

D. COMPLAINT REVIEWS/INVESTIGATIONS:

1. IO complaints may be conducted by ISB, the employee's immediate supervisor or the employee's Captain/Section Head or designee. IO complaints may be conducted by reviewing the Complaint and any documentation attached thereto. After the review is completed, unless conducted by ISB, a response from the person who conducted the review shall be forwarded to the ISB within 30 calendar days from receipt of the information.

2. IQ, CC, and AD complaints may be investigated by the ISB or by the employee's Captain/Section Head or designee.
3. IQ, CC, and AD complaint investigations should be concluded within sixty (60) calendar days of receipt, unless unusual circumstances exist.

Note: All IO reviews and all IQ and CC investigations that result in an unfounded or exonerated category will only be maintained for 1 year. (RDA 2972)

E. In all IQ, CC, and AD investigations the ISB should:

1. Notify the employee, against whom complaints are filed, in writing, that a complaint has been received, and that an investigation will be conducted, **unless the ISB determines that such notification would jeopardize the investigation.**
2. Provide the employee's Captain/Section Head with written notification that a complaint has been received and is being/will be investigated.
3. Provide the complainant with written notification, that a complaint has been received and is being/will be investigated.
4. Provide the complainant/employee with periodic status report(s) of the complaint whenever requested.
5. Provide the complainant and employee with written notification of the final disposition.
6. Employee Notifications are not necessary whenever any of the following incidents occur:
 - a. Departmental Patrol Car Crash;
 - b. Participation in a pursuit;
 - c. Use of Force; and
 - d. Information Only, unless it is upgraded to an IQ or AD.

Notes: For the purposes of this policy, all of the aforementioned incidents are considered Administrative investigations and employees are required to cooperate fully with investigators.

For tracking purposes, all Departmental Patrol Car Crash, Departmental Pursuit, and Use of Force investigations that result in disciplinary action will receive an AD number that will be linked to the investigation.

- F. If an investigation uncovers evidence of possible criminal violation(s) by an employee, ISB shall immediately advise the Commissioner and determine which course of action to take.
- G. If an investigator uncovers evidence of additional violations of policy, the violations shall be included in the investigative summary and appropriate actions shall be taken to address the noted infractions. The employee shall be informed of the allegations unless doing so would jeopardize the investigation and shall be given an opportunity to respond to the potential new charges.
- H. Upon completion of the investigation, the investigator shall submit an investigative summary to the employee's Captain/Section Head who will make a recommendation using the categories in the following Subsection "I" below as to each allegation of misconduct. The Captain/Section Head/Supervisor shall submit the recommendation for disciplinary action(s), if any, through the chain of command to the Colonel/Deputy Commissioner no later than ten (10) working days from receipt of the investigative summary. In all cases where disciplinary action(s) are recommended, an AD tracking number must be assigned.
- I. All investigations shall be concluded by using one (1) of the following categories:
 - 1. Unfounded - The allegation is groundless and is not based on facts.
 - 2. Inconclusive - There is insufficient evidence either to prove or disprove the allegation.
 - 3. Sustained - The allegation is affirmed or corroborated.
 - 4. Exonerated - The incident occurred, but was lawful and proper, or within policy and procedures.
- J. **If an employee provides information, written statements, verbal statements etc., related to an incident and/or investigation, an interview of the employee by Investigator(s) may not be necessary. The aforementioned information may provide sufficient documentation to close the investigation.**
- K. The conclusion of the investigation and final disposition will be forwarded to the ISB upon the Colonel/Deputy Commissioner's approval for inclusion in the ISB investigative files and the initiation of any disciplinary action will begin.

VI. RECEIPT OF COMPLIMENTS:

- A. Supervisors shall accept compliments and forward them to the ISB.
- B. Manner in which compliments may be received.
 - 1. A compliment may be filed in person, writing, phone or via ISB e-mail.
 - a. Supervisors shall accept the compliment, document it in writing, and forward it to ISB through the appropriate chain of command.

2. Non-supervisory personnel shall refer the compliment to a supervisor, if one is available.
 - a. When a supervisor is not available, the employee will take the compliment and convey it to the appropriate supervisor who will forward it to the ISB through the chain of command.
3. Employees shall not solicit and/or fabricate compliments.
4. Compliments shall be forwarded to the ISB within five (5) working days, if practicable.

VII. RECEIPT OF COMPLAINTS:

- A. Complaints from the public shall be courteously accepted by employees of the Department and shall be processed as provided in this Order. Employees shall not dissuade any person from lodging a complaint.
- B. Supervisors may explore early resolutions to disputes that do not allege violations of policies pertaining to matters that must be adjudicated in court (e.g., law violations and fines) or disputes involving the investigations of crashes that do not allege a violation of policy. If the supervisor determines the dispute cannot be resolved, the information shall be forwarded to the ISB through the chain of command.
- C. Manner in which valid complaints may be received.
 1. A complaint may be filed in person, in writing, by phone or by e-mail.
 - a. Supervisors shall not refer the person to anyone else. They will document the complaint on the complaint form (SF-1195), and forward it to the ISB.
 2. Non-supervisory personnel shall refer the complainant to a supervisor.
 3. Complaints requiring ISB notification shall be made within twenty-four (24) hours of receipt. If after normal business hours, 8:00 a.m. to 4:30 p.m. CST Monday - Friday, supervisors shall fax or e-mail the complaint to ISB and call ISB on the first business day after sending the complaint to verify the complaint was received.

D. Complaints requiring immediate notification to the ISB:

- I. Any employee who observes or is aware of misconduct by another employee shall immediately notify their supervisor or an on-duty supervisor. Such misconduct includes, but is not limited to:
 - a. Arrest of any employee;
 - b. Allegation of theft of property or possession of contraband by an employee;
 - c. Allegation of acceptance of a bribe by an employee;
 - d. Allegation of serious bodily injury or death caused by improper actions of an employee; and
 - e. Allegations of domestic violence involving employees who are involved as the accused, victim, or witness of an act of domestic violence.

- E. The Section Head of the ISB shall immediately report complaints that involve suspected criminal misconduct, allegations of corruption, brutality, misuse of force, or breach of civil rights to the Commissioner. If the Commissioner is unavailable, the Deputy Commissioner and/or the Colonel will be notified.

VIII. SUBMITTING COMPLIMENTS OR COMPLAINTS:

- A. Compliments, complaints, or other feedback regarding an employee's performance should be made by any of the following means:
 1. By going to any Department facility and asking to speak with a supervisor;
 2. By contacting the ISB at (615) 251-5228, statewide toll free number (877) 459-3038, fax (615) 532-9310 or via e-mail at IIU.Unit@tn.gov;
 3. By writing a letter to the Section Head of ISB at 312 Rosa L Parks Blvd. Tennessee Tower, Nashville, TN 37243-1000; and/or
 4. By completing a Citizen Complaint Form (SF-1195). The form is available at all Department offices, by mail, or on the DOSHS website.

IX. SPECIAL EXAMINATIONS:

- A. An employee may be required to submit to psychological, physical, or laboratory examinations when the examinations are specifically directed and related to the ISB investigation being conducted. These tests shall be conducted by a properly trained and/or licensed professional at the Department's expense.
- B. An ISB investigation may require an employee to be photographed. Photographs may be taken and shown to witnesses or complainants.

- C. Employees may be required to submit personal financial information when the employee's financial affairs are material to a particular internal investigation conducted by the Department.
- D. Pursuant to an investigation, in situations where identification is questionable, an employee may be required to submit to a line-up.
- E. Employees may be required to submit to polygraph examinations conducted by the Department or the TBI. Courts have upheld the power of police administrators to require its Members to submit to a polygraph exam. *Grabinger vs. Conlisk* 326 F. Supp. 1213 (N.D. 111-1970), *affidavit* 455 F. 2d 490 (C.A. 7th - 1972).
- F. Only the Commissioner, Deputy Commissioner, or Colonel can order an employee to submit to tests, photographs, line-ups, polygraphs, examinations, or financial disclosures. All such orders shall be issued in writing to the employee.

X. RESPONSIBILITIES AND RIGHTS OF EMPLOYEES UNDER INVESTIGATION:

- A. Employees under Inquiry or Administrative Investigations are expected to cooperate fully with Departmental investigator(s). Employees shall not knowingly interfere, in any way, with an investigation.
- B. Investigations conducted pursuant to this Order are for non-criminal violations or for violations that may be criminal, but which shall be pursued administratively by the Department. **(Note: the Department may pursue a criminal investigation simultaneously or any time.)** Accordingly, the employee may be ordered to respond to questions, which are narrowly and directly related to the matter under investigation. The employee does not have a right to have an attorney present during questioning.
- C. An employee shall provide the investigator with any evidence and the names of witnesses who may have information about the matter under investigation.

XI. WORK STATUS OF EMPLOYEES UNDER INVESTIGATION:

- A. Depending on the nature and seriousness of the allegations, an employee under investigation may:
 - 1. Continue the employee's normal duties.
 - 2. Be placed on discretionary leave with or without pay.
 - a. If an employee is placed on discretionary leave pending the completion of an investigation, all state issued weapons, credentials, badges and vehicle(s) will be taken from employee and properly secured until the employee's duty status changes.

- b. An exception to the removal of state equipment may be in the event a Member is involved in a deadly force incident. The Member will be placed on paid leave, as required by policy, but the Colonel or his designee, may approve for the Member to retain the aforementioned items.
- 3. Commissioned Members may be placed on administrative functions (i.e. Driver Services Center, District Headquarters, etc.) in a non-law enforcement capacity during investigations.
- 4. The Commissioner, as the Appointing Authority, shall be responsible for making the final decision concerning the work status of employees who are under investigation.
- B. The Section Head of the ISB shall be responsible for the coordination of all discipline, appeals, mediation and for the maintenance and control of all disciplinary records.
- C. An Annual Report of all Departmental investigations, disciplinary actions, appeals, mediations and compliments shall be completed by the Section Head of the ISB or designee and forwarded to the Commissioner or an authorized designee for review.
- D. The Section Head of ISB shall provide the Research, Planning, and Development Division an avenue to obtain statistical data relative to internal investigations.
- E. The above listed statistics shall be included in the Department's Annual Report, and shall be made available to the public, media and employees upon written request.



GENERAL ORDER

Number: 217
Page: Page 1 of 8
Subject: Workplace Harassment and
Illegal Discrimination
Date: 1 October 2012
Distribution: All Employees

I. PURPOSE:

To establish guidelines that ensure the Tennessee Department of Safety and Homeland Security workplace is free of harassment and illegal discrimination.

II. POLICY:

The State of Tennessee and the Department of Safety and Homeland Security are firmly committed to the principle of fair and equal employment opportunities for its citizens and strive to protect the rights and opportunities of all people to seek, obtain, and hold employment without being subjected to harassment and illegal discrimination in the workplace. It is the Department's policy to provide an environment free of harassment and illegal discrimination of an individual because of the person's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and/or federal civil rights laws.

III. DEFINITIONS:

- A. Department: The Department of Safety and Homeland Security.
- B. Discrimination and Harassment in the Workplace: This policy prohibits unequal and unlawful treatment of an individual on the basis of a person's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and/or federal civil rights laws. This policy further prohibits any unwelcome verbal, written, physical conduct, or electronic communication that either degrades or shows hostility or aversion towards a person because of that person's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and/or federal civil rights laws.

To aid employees in identifying prohibited behavior, the following specific examples of workplace harassment and illegal discrimination are provided. These examples are not exhaustive; they illustrate, however, the types of conduct that violate this policy:

- Undermining a person's authority or work performance because of the person's protected characteristics, such as age or religion;
- Using stereotypes or assumptions to guide decision-making about a person's career;

***This Order Supersedes General Order(s): 217, 30 September 2011.
C.A.L.E.A. Standard(s) 26.1.3**

- Unwelcome touching or near-touching, which can encompass leaning over, cornering, hugging, pinching, sexual innuendos, teasing and other sexual talk such as jokes, personal inquiries, persistent unwanted courting and sexist put-downs;
 - Slurs and jokes about a class of persons, such as disabled persons or a racial group;
 - Distributing via electronic means epithets, slurs, jokes or remarks that are derogatory, demeaning, threatening or suggestive to a class of persons or a particular person or that promote stereotypes of a class of persons;
 - Display of explicit or offensive calendars, posters, pictures, drawings or cartoons that are sexually suggestive or that reflect disparagingly upon a class of persons or a particular person; or
 - Derogatory remarks about a person's national origin, race, language, or accent.
- C. Employee: As used in this policy, means all persons working in any capacity for the Department, including third parties.
- D. Hostile Environment: Hostile environment harassment occurs when a victim is subjected to comments based on race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and/or federal civil rights laws. A hostile work environment may also be created by innuendoes, touching, electronic communications or other conduct.
- E. Retaliation: Retaliation is any act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or individuals exercising rights under this policy.
- F. Sexual Harassment: Sexual harassment involves any unwelcome sexual advance, request for sexual favors, or verbal, written, electronic, or physical conduct of a sexual nature by a manager, supervisor, co-worker, or non-employee (third party). Managerial harassment occurs when a manager or a supervisor gives or withholds a work-related benefit in exchange for sexual favors from the victim or takes an adverse action against an employee for refusing a request for sexual favors. In some circumstances, threatening to take such actions may also be a violation of this policy. Certain actions may also create a hostile work environment. (See the definition for "hostile environment" above.)
- G. Third Parties: Third parties are individuals who are not state employees but who have business interactions with state employees. Such individuals include, but are not limited to, customers, such as applicants for state employment or services, vendors, contractors, or volunteers.

IV. IMPLEMENTATION OF POLICY:

- A. A copy of this policy will be distributed by the Research, Planning and Development (RPD) Division to all Departmental employees using Power DMS.
- B. A copy of this policy must be conspicuously posted in all Departmental facilities.
- C. A copy of this policy must be given to all newly hired employees as a part of orientation.
- D. All educational and/or training programs offered through the Department must periodically provide updates and instruction regarding this policy.
- E. All employees must receive training annually on this policy.

V. CONDUCT PROHIBITED:

- A. The Department strictly forbids and will not tolerate discrimination or harassment of any employee, applicant for employment, or third party on the basis of an individual's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and/or federal civil rights laws. The fact that an alleged offender meant no harm or was teasing will not excuse conduct that violates this policy.
- B. The Department strictly forbids and will not tolerate any form of retaliation directed against an employee, applicant for employment, or third party who either complains about discrimination or harassment or who participates in any investigation concerning discrimination or harassment.

VI. HOW TO REPORT INCIDENTS OF DISCRIMINATION OR HARASSMENT:

- A. If an employee, applicant for employment, or third party believes he/she has been subjected to discriminatory or harassing conduct that violates this policy, he/or she must report those incidents as soon as possible after the event occurs.
- B. Employees and applicants for employment may file a complaint with their supervisor(s), or the Internal Investigations Unit (IIU) of the Inspectional Services Bureau (ISB) or the Human Resources Division. Under no circumstances is the individual alleging workplace harassment and illegal discrimination required to file a complaint with the alleged harasser, nor is the individual required to complete the Intake/Referral Form (SF-1359). If an employee or applicant believes he/she cannot file a complaint within the Department, that person should contact the Department of Human Resources' General Counsel's Office at (615) 741-2958.
- C. If a complaint involves a Commissioner, Deputy Commissioner, or an Assistant Commissioner, an employee or applicant for employment may file the complaint directly with the Department of Human Resources' General Counsel's Office.

VII. HOW TO REPORT RETALIATION INCIDENTS:

- A. If an employee, applicant for employment, or third party believes he/she has been subjected to retaliation for engaging in protected conduct under this policy, he/she must report those incidents as soon as possible after the event occurs.
- B. Any employee, applicant for employment, or third party who makes complaints of workplace discrimination or harassment or provides information related to such complaints will be protected against retaliation. If retaliation occurs, the employee, applicant for employment, or third party should report the retaliation in the same manner as he/she would report a workplace discrimination or harassment complaint.

VIII. HOW CONFIDENTIALITY IS TREATED

- A. To the extent permitted by law, the Department will maintain the confidentiality of each party involved in a workplace harassment investigation, complaint or charge, provided it does not interfere with the Department's ability to investigate the allegations or to take corrective action. However, state law may prevent the Department from maintaining confidentiality of investigations. Therefore, the Department does not guarantee confidentiality.
- B. All investigators assigned to investigate allegations of workplace discrimination or harassment are prohibited from communicating information concerning the allegations or investigation to anyone other than those authorized to receive such matters such as the Commissioner, Deputy Commissioner, Assistant Commissioners, Colonel, the Captain of the ISB, the Director of Human Resources, the Director of the Legal Division and the designated Equal Employment Officer or the Designee of the aforementioned.

IX. DIRECTIVE TO SUPERVISORY PERSONNEL:

Supervisory personnel who receive a complaint alleging workplace discrimination or harassment, or learn by any means of conduct that may violate this policy, must immediately report any such event to the IIU of the ISB.

Supervisors shall document the complaint on an Intake/Referral Form (SF-1359) and forward to the Captain of the ISB immediately.

X. CORRECTIVE ACTION FOR VIOLATION OF THIS POLICY:

- A. Any employee who engages in conduct that violates this policy or who encourages such conduct by others will be subject to corrective action. Such corrective action includes, but is not limited to, mandatory participation in counseling, training, disciplinary action, up to and including termination, and/or changes in job duties or location.

- B. Supervisory personnel who allow workplace discrimination, harassment or retaliation to continue or fail to take appropriate action upon learning of such conduct will be subject to corrective action. Such corrective action includes, but is not limited to, mandatory participation in counseling, training, disciplinary action, up to and including termination, and/or changes in job duties or location.
- C. Employees are personally accountable for any conduct that leads to a charge of workplace harassment/hostile work environment.

XI. HOW COMPLAINTS ARE INVESTIGATED AND RESOLVED:

- A. The Captain of the ISB will ensure that a thorough and neutral investigation of all reported complaints of workplace discrimination, harassment or retaliation within 30 business days after receipt of allegation, unless extenuating circumstances exist. If this occurs, the Captain of the ISB will provide the Commissioner, the Deputy Commissioner, Assistant Commissioner, and/or the Colonel, if applicable, with a written report describing the circumstances and anticipated completion date. Generally, an investigation will include an interview with the complainant to determine if the conduct in issue violates this policy. If the Department determines that the conduct falls within the terms of this policy, the Department will interview the alleged offender and any other witnesses who have direct knowledge of the circumstances of the allegations.
- B. The investigator will inform the complainant, accused and witnesses of the following limitations on confidentiality prior to interviews being conducted:

To the extent permitted by law, the State will maintain the confidentiality of each party involved in a workplace harassment investigation, complaint or charge; provided it does not interfere with the Department's ability to investigate the allegations, or to take confidentiality of investigations. Therefore, the State does not guarantee confidentiality.
- C. The investigator will inform the complainant, accused, and witnesses of the Department's policy concerning retaliation prior to interviews being conducted.
- D. The Commissioner retains the sole discretion to determine whether a violation of this policy has occurred and to determine what Level, if any, of disciplinary action is warranted.
- E. If a complaint involves a Commissioner, Deputy Commissioner, or an Assistant Commissioner, the Department of Human Resources' Office of the General Counsel will investigate the complaint on behalf of the Department of Safety and Homeland Security and report the results to the Department.

- F. The Captain of the ISB will ensure that allegations of harassment and illegal discrimination are investigated using the following procedures.
1. Complaints received by the IIU will be documented immediately on the Intake/Referral Form (SF-1359). An investigator shall make initial contact with the complainant within two (2) business days from the notification date to determine if the conduct alleged in issue violates this policy. ***The complainant is not required to complete the Intake/Referral Form (SF-1359).***
 2. If the alleged conduct violates this policy and/or if additional information is necessary to make that determination:
 - a. Witnesses having direct knowledge of the allegation and the circumstances will be interviewed.
 - b. The accused will be interviewed regarding the allegations against him/her.
 3. The investigator will create an investigative memorandum containing:
 - a. The complainant's name, job title, Division/Section and location;
 - b. Initiation of investigation; date complaint was received; date investigation was initiated;
 - c. Description of complaint;
 - d. Statements and evidence gathered in the investigation; and
 - e. Summary of evidence.
 4. The Captain of the ISB will forward the investigation memorandum to the Commissioner who will make a determination whether this policy was violated and decide if disciplinary action is warranted, or if another course of action is appropriate.
 - a. The Director of the Human Resources Division and the Director of the Legal Division may be consulted regarding the policy violations and possible courses of action.
 5. If it is determined from the investigation memorandum that harassment and illegal discrimination has occurred, immediate action will be taken to stop the harassment or discrimination and prevent any recurrence. A finding of a violation of this policy does not mean the conduct violates state and/or federal laws.

6. If disciplinary action is warranted as determined by the Commissioner/Designee, the Captain of the ISB will initiate the disciplinary process. (Please refer to GO 216-3, "Discipline and Disciplinary Matrix".) All disciplinary records are maintained by the IIU of the ISB.
7. The IIU of the ISB shall preserve all documents generated by the investigation and any subsequent disciplinary action for a minimum of five (5) years.

XII. INQUIRIES:

- A. Inquiries concerning workplace harassment and/or illegal discrimination should be addressed to:

1. Department of Safety and Homeland Security
 - a. Inspectional Services Bureau
312 Rosa L. Parks Avenue
Nashville, TN 37243-1000
Phone: (615) 251-5228
Fax: (615) 532-9310
 - b. H.R. Division
1150 Foster Avenue
Nashville, TN 37243
Phone: (615) 251-5200
Fax: (615) 253-2095
2. Department of Human Resources
Office of the General Counsel
505 Deaderick Street
James K. Polk Building, 1st Floor
Nashville, TN 37243-0635
Phone: (615) 741-2958
3. Equal Employment Opportunity Commission (EEOC)
 - a. Nashville
EEOC
50 Vantage Way, Suite 202
Nashville, TN 37228-9940
Phone: (615) 736-5820
Fax: (615) 736-2107
 - b. Memphis
EEOC
1407 Union Avenue, Suite 621
Memphis, TN 38104
Phone: (901) 544-0115
Fax: (901) 544-0111
4. Tennessee Human Rights Commission (THRC):
 - a. Knoxville
THRC
531 Henley Street, Room 701
Knoxville, TN 37902
Phone: (865) 594-6500
Fax: (865) 594-6178
 - b. Chattanooga
THRC
Fourth Floor, West Wing
540 McCallie Avenue
Chattanooga, TN 37402
Phone: (423) 634-6837
Fax: (423) 634-6986

c. Memphis
THRC
State Office Building
170 North Main Street
Memphis, TN 38103
Phone: (901) 543-7389
Fax: (901) 543-6042

d. Nashville
THRC
530 Church Street, Suite 305
Cornerstone Square Building
Nashville, TN 37243-0745
Phone: (615) 741-5825
Fax: (615) 253-1886

Chapter	31 - Recruitment
Section	2 - Equal Employment Opportunity and Recruitment
Standard	1 - Work Force Analysis
Number	31.2.1

31.2.1 *The agency has ethnic and gender composition in the sworn law enforcement ranks in approximate proportion to the makeup of the available work force in the law enforcement agency's service community, or a recruitment plan pursuant to standard 31.2.2.*

Commentary: Recruitment steps should be directed towards the goal of approximating within the sworn ranks the demographic workforce composition of the community that it serves.

Statistics on the composition of the work force in the agency's service community are available from a variety of sources, such as the U.S. Department of Labor's Bureau of Labor Statistics or national labor statistics. For the purposes of this standard, available workforce may be determined by considering several factors: for example, the residential makeup, those working in the agency's community, applicant demographics, and the parameters of any officer residency requirements, if applicable. **(M M M M)**

Chapter	31 - Recruitment
Section	2 - Equal Employment Opportunity and Recruitment
Standard	2 - Recruitment Plan
Number	31.2.2

31.2.2 *The agency has a recruitment plan for full-time sworn personnel that includes the following elements:*

- a. statement of objectives;*
- b. plan of action designed to achieve the objectives identified in bullet (a);*
- c. procedures to evaluate the progress toward objectives every three years; and*
- d. revise/reissue the plan as needed.*

Commentary: The recruitment plan should be written so that it can be easily understood and followed. The foundation of a successful recruitment drive should include strong management commitments, an analysis of demographic/geographic features of the agency's service area, and specific knowledge of past recruitment efforts by similar agencies. The recruitment plan may be a part of the written directive system or a separate and distinct planning document. The plan should govern agency activities relating to recruitment during a specific period of time, which should not exceed three years without being reviewed and having objectives updated.

The objectives of a recruitment plan should be reasonable, obtainable, and directed toward the goal of achieving a sworn work force that is representative of the composition of the available work force it serves. The specific action steps contained in the agency's recruitment plan should be reasonably likely to cause the agency to meet the objectives identified in the plan.

Examples of specific action steps that may be identified in an agency's recruitment plan include:

- utilizing in the agency's recruitment activities minority personnel who are fluent in the community's non-English languages and are aware of the cultural environment, where this would be applicable;
- depicting women and minorities in law enforcement employment roles in the agency's recruitment literature;
- conducting recruitment activities outside of the agency's jurisdiction, when necessary, to attract viable law enforcement candidates. Restricting recruiting to the agency's service area may limit the potential number of qualified applicants available from underrepresented groups; and
- conducting periodically a "career" or "information" night for a particular target group.

(M M M M)

Chapter	31 - Recruitment
Section	2 - Equal Employment Opportunity and Recruitment
Standard	3 - Equal Employment Opportunity Plan
Number	31.2.3

31.2.3 *The agency has an equal employment opportunity plan.*

Commentary: The equal employment opportunity (EEO) plan should ensure equal opportunities for employment and employment conditions for minority persons and women. The equal employment opportunity plan should be based on an annual analysis of the agency's present employment policies, practices, and procedures relevant to their effective impact on the employment and utilization of minorities and women. The equal employment opportunity plan, which may be produced in the form of a written directive, may contain such provisions as: (1) a strongly worded statement from the agency's CEO that it is agency policy to ensure that all individuals be given equal opportunity for employment, regardless of race, sex, creed, color, age, religion, national origin, or physical impairment; (2) a procedure for filing complaints relating to EEO; and (3) specific action steps that the agency should take to ensure equal employment opportunity is a reality, such as advertising as an "equal opportunity employer" or providing applications or testing processes at decentralized, easily accessible locations. The policies relating to harassment in the workplace may also be incorporated into the agency's overall EEO effort (see standard 26.1.3). (M M M M)

APPENDIX C
DOCUMENTATION OF
TITLE VI COMPLAINT

TDOSHS Title VI Complaint Log 2016

[illegible]



STATE OF TENNESSEE
DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
FROST BUILDING
161 ROSA L. PARKS BOULEVARD
NASHVILLE, TENNESSEE 37243

INTAKE/REFERRAL FORM

STATEMENT CONCERNING CONFIDENTIALITY

Pursuant to Tennessee Code Annotated § 10-7-502(a), "all state . . . records . . . shall at all times, during business hours, be open for personal inspection by any citizen of Tennessee, and those in charge of such records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law." Accordingly, the State cannot and does not guarantee the confidentiality of this document or any notes, files, reports, or other documents, whether created by the State or received from the complainant, accused, or witnesses.

NAME OF COMPLAINANT OR PERSON REPORTING EVENT:

Luis Andrade - Albán

TELEPHONE NUMBERS OF COMPLAINANT OR PERSON REPORTING EVENT:

WORK: 423.634.3128

HOME: () .

MOBILE: 423.271.8877

IS YOUR HOME TELEPHONE NUMBER UNLISTED? YES NO X

It is in the list of employees.

NAME OF AGENCY AND DIVISION INVOLVED:

Tennessee Department of Safety (Department
of Homeland Security / Driver Licence Issuance Division

NAME OF PERSON(S) WHO ALLEGEDLY DISCRIMINATED AGAINST YOU OR HARASSED YOU?

Ley Kedra Teague and Barbara Phillips

RELATIONSHIP OF ALLEGED ACCUSER TO YOU (I.E. DIRECT SUPERVISOR, CO-WORKER):

She is an examiner like me.

DATE OF EARLIEST OCCURRENCE OF EVENTS? She has been discriminating
Hispanics since 2006. There are more Hispanics now
DATE OF LATEST OCCURRENCE OF EVENTS? and the treatment has
gotten worse.

HOW WERE YOU DISCRIMINATED AGAINST (E.G. DISCIPLINARY ACTION, PROMOTION,
DEMOTION, HOSTILE ENVIRONMENT)?

Mrs. Tenque treated the Hispanic customer with a very bad
attitude and then threw the papers at me in front of everyone
in a very indignant way. This is not the first time, but is a

EXPLAIN AS CLEARLY AS POSSIBLE WHAT HAPPENED, INCLUDING WHO DID WHAT, WHERE IT
HAPPENED, WHO WAS INVOLVED, ETC. PLEASE ATTACH ADDITIONAL PAGES IF NECESSARY.

See attached

daily
practice
that she
treats
Hispanics
as if
they
are
not
human.

• EXPLAIN WHY YOU BELIEVE THESE EVENTS OCCURRED:

See attached

• DESCRIBE HOW OTHERS WERE TREATED DIFFERENTLY THAN YOU:

See attached

WERE THERE OTHER EMPLOYEES WHO WERE TREATED BETTER IN SIMILAR CIRCUMSTANCES?

PLEASE CHECK ONE: YES ☒ NO ☐

Intake/Referral Form

IF YOU ANSWERED YES TO THE PREVIOUS QUESTION, PLEASE PROVIDE THE NAMES OF THE EMPLOYEES WHO WERE TREATED BETTER AND DESCRIBE HOW THEY WERE TREATED BETTER:

See attached

PLEASE LIST BELOW ANY PERSONS (WITNESSES, FELLOW EMPLOYEES, SUPERVISORS, OTHERS) WHO MAY HAVE ADDITIONAL INFORMATION TO SUPPORT OR CLARIFY THIS COMPLAINT. EXPLAIN WHAT INFORMATION EACH CAN PROVIDE.

See attached

WHAT EXPLANATION DO YOU THINK THE AGENCY OR ACCUSED WILL GIVE AS TO WHY YOU WERE TREATED IN THIS MANNER?

They will deny it.

PLEASE IDENTIFY ANY OTHER INFORMATION (INCLUDING DOCUMENTARY EVIDENCE SUCH AS DIARIES, JOURNALS, RECORDINGS, EMAILS, VOICEMAILS, CORRESPONDENCE, ETC.) THAT YOU THINK IS RELEVANT TO THIS MATTER.

I have worked as an ideal employee for nine years. I now work under a lot of stress because I am constantly being accused of fraud or wrong doing. I have been investigated and have always come back completely clean.

WHAT DO YOU WANT TO HAPPEN AS A RESULT OF THIS COMPLAINT?

I want to be a voice for all the Hispanics who have felt discriminated against. I want the treatment of Hispanics to be changed. The examiners should go to a training to learn to treat those who English is not their 1st language with respect and dignity that they deserve.

Intake/Referral Form

IF YOU HAVE TOLD ANYONE ELSE ABOUT THIS MATTER, PLEASE LIST THE NAME(S) AND RELATIONSHIP(S) (CO-WORKER, FAMILY MEMBER, ETC.)

No one

SIGNATURE OF COMPLAINANT: [Signature] DATE: 06/13/2016

IF COMPLETED BY SUPERVISOR OR AGENT OF STATE AS A RESULT OF INTERVIEWING A COMPLAINANT, PLEASE PROVIDE THE FOLLOWING INFORMATION:

PRINTED NAME: _____

SIGNATURE: _____

TITLE: _____

AGENCY AND/OR DIVISION: _____

WORK TELEPHONE NUMBER: (____) ____-____

DATE COMPLAINT RECEIVED: _____ DATE FORM COMPLETED: _____

REASON FOR DELAY, IF ANY, BETWEEN THE DATE THE COMPLAINT WAS RECEIVED AND THE DATE THE FORM WAS COMPLETED:

NAME AND TITLE OF PERSON TO WHOM THE FORM WAS FORWARDED FOR ACTION:

DATE ON WHICH THE FORM WAS FORWARDED: _____

I mly was given 4 pages
of this complaint

June 13, 2016

The Hispanic gentleman came into the Bonny Oaks driving test station in order to take the full test. His mae was written on the walk-ins and he was given a C number. He waited and Mrs. Shirley Zee called the number and she commented that he passed the exam with flying colors and the Mrs. Phillips who attends the phones and sends me the customers gave me his paperwork that he had passed the reading test and he was on the list of walk-ins and I told him to wait in the testing area and that an examiner would see him soon. I began to process others who were waiting and then I saw that Mrs. Teague was talking very rudely to the Hispanic gentleman and since I was the only one who speaks Spanish there, I asked the man what was going on. Then Mrs. Teague responded rudely to me that "He doesn't speak English, the only thing he knows how to say is YeS<yeS yes yeS." I then said, "If you want I can finish his application." I then told the Hispanic gentleman to follow me and we both walked to my counter sadly and frustrated and feeling as if we were treated with discrimination. She then came to my counter and threw the papers angrily on top of my printer. I picked up the papers and then the supervisor of Bonny Oaks, Barbara Phillips asked me for his paperwork. She was mad and very rude with me and in a loud voice, not caring about the customer service she was supposed to be offering to the Hispanic gentleman and the others that are in the station. I asked her, "Why do you need the papers if Mrs. Teague gave them to me for me to finish the application?" She said, "GIVE ME THE PAPERS!" I answered, "If you are going to give the papers to Mrs. Teague for her to finish, I will not give them to you." I then said, "I am tired of the people here treating Hispanics continually in this way." I said that they also had every right to receive the same treatment as all the other customers. Then she asked for the papers again and because she is my manager, I gave them to her.

I felt discriminated against and indignant because she never came to me to ask me what had happened or to speak to me about the event. She only believed what Mrs. Teague had happened and treated me very unprofessionally and with discrimination.

She took the Hispanic gentleman's paperwork and then asked me to go to the branch manager's office and wait for Mr. Troup to come. I went to the office and waited for him to arrive and then his assistant, Nella Walker came into the office and waited with me until he arrived. When he arrived I started to tell him what had happened and Mrs. Walker wrote down everything that I said. He told me that Michael Holgan asked that I fill out the paperwork and turn it in right then. He said that Mrs. Walker could write it down for me if I didn't write very well and I said OK. I told her what had happened and Mrs. Walker had to go to lunch and he wanted to finish it. I wanted time to be able to take the time to fill it out completely and not just half way. I wanted to make sure that Nashville received this complaint very well-done. He then printed out the complaint for me so that I could fill it out calmly. He then told me to take my lunch and when you come back from lunch I want to see you in my office again. I said that would be fine and I went to lunch. I went to lunch at 1:17pm. My lunch should have been at 11:30pm. When I came back from my lunch at 12:17pm I looked for him in his office and he wasn't there. I went to my counter and went back to work. I did two applications, returned to his office and he was there. I let him know that I was there. He asked me if I had my cash drawer and I said yes and he told me to close it. I asked him why I needed to close my drawer if I was supposed to work until 5:30pm. He said, "Don't worry, you will keep working until 5:30. So I went and I closed it, went to his office again and Barbara Phillips was in his office (the supervisor of Bonny Oaks), and he said, "Close the door. You can go to your house for the rest of the day. Cool down and return tomorrow at nine to work." I asked him, "Why, if I am not made, I don't need to calm down, I just said what I saw which was a discrimination against a Hispanic gentleman. I feel like you think I have done something

bad and have to leave because I did something wrong. Why are Mrs. Barbara and Leykedra still here? Shouldn't we all go home?" I said that I was not sick but that I would have to take my sick leave or annual leave. He said that Barbara Phillips had to run the station and he didn't tell me anything about Mrs. Teague. He said that I was a person who questioned orders and I told him that I was not a person like that and I just asked questions why sometimes. I then said that I would leave if he wanted me to. He said that he wanted me to go home because I was making a serious complaint. I then said, "Mr. James, I will do whatever you ask and I will see you tomorrow at nine."

I went home and decided that I needed the name and license number of the person who was discriminated against and Barbara Phillips said, "Hold on" and she said that when I come in the morning they could give me the information. I told him that I wanted the name so that I could fill out the paperwork and he said that he didn't know the name but it might be "Mario" and that I could get the information tomorrow. I then said, "See you tomorrow at nine."

EXPLAIN WHY YOU BELIEVE THAT THESE EVENTS OCCURRED:

The examiners do not have patience with Hispanics because of their English abilities. They automatically treat Hispanic customers with disrespect and send them to me. There are more and more Hispanics coming to the Bonny Oaks office and the examiners do not give them the customer service they deserve. They treat them differently from everyone else. There are many customers who prefer to go to Cleveland or Red Bank because they know that the examiners are mean at Bonny Oaks and have become famous for this.

DESCRIBE HOW OTHERS WERE TREATED DIFFERENTLY THAN YOU

The examiners and particularly Lekedra become very frustrated when she doesn't understand the Hispanic. She is not nice or kind to them in any way how we have been told to treat our customers. She speaks to them in a loud voice and asks like she is mad at them. They always feel less and scared.

I would like to know the name of the Hispanic gentleman but I was denied his name when I called to ask for his name, I would like to call him by his name as he deserves but can't until they give me his name. She spoke to him angrily and said in front of everyone that he didn't speak English and only knew Yes yes yes. I have watched her for nine years treat Hispanics with disdain as if they are nothing. If she treated this gentleman The Hispanics that come into the station are always so nice and respectful and come with much fear knowing from others how mean and aggressive the examiners are there.

OTHERS WERE TREATED BETTER THAN I IN SIMILAR CIRCUMSTANCES

Barbara Phillips is easily influenced by the other examiners. As a manager she needs to be impartial. For example, I have only one car because of a family hardship that I am suffering right now. I had permission from Caroline Walker, the branch supervisor before Mr. Troupe, to being work at 9:00 and have lunch at 11:30. After Barbara Phillips began working as the supervisor of Bonny Oaks she told me that I would not be able to do that anymore. She was influenced by the other examiners there. Mrs. Walker then told her, no, that I could continue to begin at 9 and have my lunch at 11:30 so that I could take my children to college and my wife to work. The other examiners had told her to that it wasn't fair that I had those privileges when it was not affecting them in any way. The hardship I have is not a privilege and I have done my work well for nine years.

20F4

Also Barbara Phillips does not tell the other examiners in a mean tone to do certain things. She tells me in front of everyone all day to do things in an angry tone, when she could ask me politely as she does other examiners. She has told me "Get out of my office!" I asked her not to speak to me that way because I am nie to her and she could also treat me kindly. She makes me feel stressed and many times I have had to go to the doctor because of he treatment. It isn't easy to be treated as she treats me. It is affecting my health. I have never had high blood pressure and now I am having to take medicine for it. I think she wants the other examiners to know that she is the manager by putting me down, but she never says anything to them.

OTHER WITNESSES THAT HAVE MORE INFORMATION

Shirley Zee who processed the applications

The Hispanic Gentleman:

I can collect many signatures of Hispanic people who have come to the office and have been treated unfairly and with discrimination.

Michael (the new examiner)

Mrs. Phillips who answers the phones

Many examiners know what is happening at Bonny Oaks station but do not want problems and do not want to risk their jobs.

Why the Hispanic man knew that he was discriminated against

The Hispanic gentleman who had come to take his license test would not have gotten his license if it were not for me interfering. He had passed his knowledge test with no problem and was spoken to with much disdain by Ms. Teague. If I had not interfered, he would not have passed the road test because of Ms. Teague's impatience and discrimination. When he took the road test with another examiner, he passed it with no problem. He obviously knew more than YES, YES, YES. If I had not been his voice, then the man would have returned home without his license and the worst experience of his life, knowing that he didn't get his license because he lacked English skills, but rather because he had been discriminated against.



To: Commissioner Bill Gibbons
From: Sergeant Shannon Brinkley *SA*
Date: August 9, 2016
Subject: Case Summation Workplace Harassment Investigation: WH2016-0009

Complainants:

Examiner Luis Andrade-Alban
6502 Bonny Oaks Drive
Chattanooga, TN 37416

Initiation of investigation:

On June 13, 2016, the Inspectional Services Bureau received an Intake/Referral form from Driver License Examiner Luis Andrade-Alban who works for the Tennessee Department of Safety and Homeland Security's Driver Services Division at the Bonny Oaks Driver Service Center in Chattanooga, Tennessee. Examiner Luis Andrade-Alban alleged inappropriate conduct by Driver Service Examiner Lakeydra Teague who also works in the Bonny Oaks Driver Service Center. The information received by Captain Donoho was reviewed by HR Director Kerri Balthrop, and Legal Division Attorney, Deborah Martin, who advised a 217-Workplace Harassment investigation should be opened in order to investigate the complaint. Based on allegations contained within these documents, a Workplace Harassment Investigation was initiated.

Description of complaint:

Examiner Luis Andrade-Alban made the following allegations of inappropriate behavior and creating a hostile work environment:

- Examiner Lakeydra Teague was rude to a Hispanic customer and treats all Hispanics in a rude manner on a daily basis.
- Examiner Luis Andrade accused the African American Examiners at the Bonny Oaks Driver Service Center of being rude to Spanish speaking customers.

Such allegations are within the purview of General Order 217 III D.

B. Discrimination and Harassment in the Workplace: This policy prohibits unequal and unlawful treatment of an individual on the basis of a person's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and/or federal civil rights laws. This policy further prohibits any

unwelcome verbal, written, physical conduct, or electronic communication that either degrades or shows hostility or aversion towards a person because of that person's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and/or federal civil rights laws.

D. **Hostile Environment:** Hostile environment harassment occurs when a victim is subjected to comments based on race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and/or federal civil rights laws. A hostile work environment may also be created by innuendos, touching, electronic communications or other conduct.

G. **Third Parties:** Third parties are individuals who are not state employees but who have business interactions with state employees. Such individuals include, but are not limited to, customers, such as applicants for state employment or services, vendors, contractors, or volunteers.

Findings:

Branch Manager Barbara Phillips, District Manager James Troup, Administrative Assistant 1 Sharon Swaggerty and Examiners Luis Andrade-Alban, Lakeydra Teague, Dewuanna Crutcher, Dywana Ringer, Michael Woodling, Shirley Seay, Millicent Hall, Regina Dean, and Peggy Ryan, were interviewed. ASA 2 Nella Walker was not interviewed because she was on FMLA.

The following facts were determined as a result of those interviews:

- All employees interviewed denied mistreating any customer, specifically Hispanic non-English customers.
- Examiner Teague failed the Hispanic applicant based solely on the fact that he was unable to comprehend instructions during the pre-trip inspection. All Examiners interviewed stated they would have failed the customer for the same reasons.
- The Examiners interviewed that were present during the encounter between Examiner Teague and the Hispanic customer never witnessed Examiner Teague being rude or disrespectful to the customer.
- The Hispanic customer involved was never interviewed due to all Bonny Oaks employees that witnessed the incident, stated that Examiner Teague had acted appropriately.

Conclusions:



Per G.O. 217, the following has been determined from the afore-referenced findings of fact:

- The investigation has not found any supporting evidence of the allegations made by Examiner Luis Andrade-Alban on the Intake/Referral form.

This concludes the G.O. 217 investigation into the complaint filed by Examiner Luis Andrade-Alban regarding Examiner Lakeydra Teague's comments and conduct.

Recommendation:

Not corroborated.

Bill Gibbons

Commissioner Bill Gibbons



TENNESSEE HUMAN RIGHTS COMMISSION

Title VI Complaint Notification Form

Respondent Agency/Subrecipient: Tennessee Department of Safety and Home	Charging Party: Examiner Peggy Ryan
Date(s) of alleged violation(s): 07/01/2016	Date Complaint filed: 07/14/2016
Alleged Basis of Discrimination: Race and National Origin	
Summary of Allegations: <p>On July 01, 2016, Examiner Peggy Ryan said that she observed Examiner Shirley Seay waiting on a Spanish speaking couple at the Bonny Oaks Driver Service Center in Chattanooga, Tennessee. The couple could not speak English and Examiner Seay could not understand them. Examiner Ryan stated that Examiner Seay told them that she did not understand them and that she did not speak Spanish. Examiner Ryan stated that Examiner Seay then turn to her and said "well if they can't speak English, then I'm not going to give them a road test. Examiner Ryan said she then told Examiner Seay to send them to her and she processed both customers and put each of them on a Spanish paper test.</p>	
Investigator Assigned: Sergeant Bennie Jennings Jr bennie.jennings@tn.gov 615-251-5228	

Bennie Jennings

From: Vic Donoho
Sent: Thursday, July 14, 2016 3:52 PM
To: Bennie Jennings
Subject: FW: Complaint(Examiner Shirley Seay)

Can you handle this one?

From: Lori Bullard
Sent: Wednesday, July 13, 2016 4:10 PM
To: Vic Donoho; Michael Hamilton
Cc: Michael Hogan; Melissa Long; James R. Troup
Subject: Fwd: Complaint(Examiner Shirley Seay)

Captain- will you assign an AD number to this?

Begin forwarded message:

From: Rochelle Bryant <Rochelle.Bryant@tn.gov>
Date: July 13, 2016 at 3:15:05 PM CDT
To: Lori Bullard <Lori.Bullard@tn.gov>
Cc: "James R. Troup" <James.R.Troup@tn.gov>, Melissa Long <Melissa.Long@tn.gov>, Michael Hogan <Michael.Hogan@tn.gov>
Subject: FW: Complaint(Examiner Shirley Seay)

AC,
We are requesting an AD# for the below incident. Thanks

From: James R. Troup
Sent: Tuesday, July 12, 2016 1:24 PM
To: Rochelle Bryant
Cc: Melissa Long
Subject: Complaint

It was brought to my attention this morning by BM Barbara Phillips, that Ex. Shirley Seay may have made an inappropriate comment regarding Spanish speaking customers. It was told that Ex. Seay was checking in a Spanish couple to test and that they did not speak English. Ex. Seay allegedly leaned over to Ex. Ryan and stated she will not give a RT to anyone who can't speak English. Ex. Ryan told Ex. Seay to send them to her and she would take care of the couple (Ex. Ryan does not speak Spanish). This is significant due to the current investigation underway regarding the treatment of Hispanics at Bonny Oaks. Sgt. Jennings with ISB has requested copies of the statements completed by the staff involved and states it will tie into Luis Andrade-Alban's discrimination case. I would like to request an AD# on Examiner Shirley Seay for possibly violating GO 217.

Respectfully,
James R. Troup

July 12, 2016

I was working at the Bonny Oaks Drive station #502 June 27 – July 1, 2016.

On Friday July 1, 2016:

I was at counter #1 and Shirley Seay was at counter #2 next to me. I walked up to my counter and saw S. Seay waiting on a man and woman. The customers were speaking Spanish to each other and to S. Seay. Shirley told them that she did not understand them and that she did not speak Spanish. S. Seay told them that Luis was at the Red Bank office and that they might need to go there. She was asking them for their proofs of address but they did not understand her. She looked at me and said, well if they can't speak English then I'm not going to give them a road test.

I heard this and told her to send them to me. I processed both customers and put each of them on a Spanish paper test.

A handwritten signature in cursive script, appearing to read "Peggy A. Ryan".

Peggy A. Ryan
Red Bank #501
4873 Dayton Blvd.
Red Bank, TN 37415
423-875-4145

July 12, 2016

On Friday 07/01/2016 examiner Arlien Ryan came over to tell examiner Shirley Seay she was up first for road test. Shirley responded by saying she was not going to do it if they do not speak english. I said we have to go out there and give them a chance to do it. Examiner Ryan said the customer did speak english and walked off. Examiner Seay then said she wasn't going out because we are not supposed to go out before the 1st appt time at 9:00. I said so if no one is here why not just go do it. She said everyone always waited until she came in at 9:00 to make her go right out so she wasn't going. EIC Millicent Hall heard part of this conversation. Shirley left the floor and when she came back she said Sherry Swaggerty looked it up in policy and procedure and said the Shirley was correct--we do not go out to do road test before 9:00. By this time the person who was actually up first, Dewuanna Crutcher came in at 9:00 so she went out to do the first road tests that morning.



Regina Dean

July 12, 2016

Today James R Troup asked me if I had said to anyone that I would not do a road test for an Hispanic customer . I advised him I did not say that, I have been doing road tests for Hispanics for 5 years now. With no complaints.

I have worked at Bonny Oaks for five years and I myself have been discriminated against by co workers I just do my job and go home. I don't get involved in their issues.

Shirley H Seay

A handwritten signature in cursive script that reads "Shirley H Seay". The ink is dark and the signature is written in a fluid, connected style.

Bennie Jennings

From: Bennie Jennings
Sent: Friday, July 15, 2016 11:59 AM
To: Shirley H. Seay
Cc: Michael Hamilton; Vic Donoho
Subject: Notice of Investigation: AD2016-0122

Examiner Seay,

Please be advised that the Inspectional Services Bureau is conducting an investigation against you for unprofessional conduct.

You may refer to the following policies regarding your rights and responsibilities:

General Order 216-1: Investigating Complaints and Documenting Compliments

General Order 216-2: Disciplinary Regulations

Contact your supervisor or the Inspectional Services Bureau at (615) 251-5228 if you have any questions concerning this matter.



BENNIE JENNINGS JR | Sergeant
Inspectional Services Bureau
Tennessee Towers - 25th Floor
312 Rosa L. Parks Avenue Nashville, TN 37243
p. 615-251-5228 c. 615-308-7490
bennie.jennings@tn.gov
tn.gov/safety

Bennie Jennings

From: Shannon Hall
Sent: Tuesday, July 26, 2016 2:52 PM
To: Lauren Speer
Cc: Sandra Curll; Bennie Jennings
Subject: FW: Title VI
Attachments: AD2016-0122 -Title VI Complaint Notification.pdf

Lauren,

This is official notification to the THRC that we have received a Title VI complaint in one of our Driver Services centers. Our Inspectional Services Bureau is investigating the complaint and will notify me as soon as they have reached a determination. I will notify your office before we notify the complainant.

Let me know if you need further information or have any questions.

Shannon



Shannon Hall | Assistant Director
Talent Management Division
1158 Foster Ave, Nashville, TN 37243
p. 615-251-5170 f. 615-401-7688
Shannon.hall@tn.gov
tn.gov/safety

From: Bennie Jennings
Sent: Tuesday, July 26, 2016 2:35 PM
To: Shannon Hall
Cc: Michael Hamilton; Vic Donoho; Sandra Curll
Subject: Title VI

Ms. Hall, I have attached the Title VI Complaint form. Thank you.



BENNIE JENNINGS JR | Sergeant
Inspectional Services Bureau
Tennessee Towers - 25th Floor
312 Rosa L. Parks Avenue Nashville, TN 37243
p. 615-251-5228 c. 615-308-7490
bennie.jennings@tn.gov
tn.gov/safety



To: AD2016-0122
From: Sergeant Bennie Jennings
Date: September 9, 2016
Subject: **Case Summation: Examiner Shirley Seay**

Initiation of Investigation:

On July 14, 2016, Assistant Commissioner Lori Bullard requested an Administrative number on Driver Services Examiner Shirley Seay for Unprofessional Conduct. Administrative number AD2016-0122 was assigned.

Description of Complaint:

On July 1, 2016, Examiner Peggy Ryan said she walked to her counter and observed Examiner Shirley Seay waiting on a Spanish speaking customer. Examiner Ryan stated Examiner Seay told the customers that she could not understand them and she did not speak Spanish. Examiner Ryan stated Examiner Seay then told her, "well if they can't speak English then I'm not going to give them a road test."

Statements and evidence gathered in the investigation:

On July 21, 2016, Examiner Peggy Ryan was interviewed at the Bonny Oaks Driver Service Center by Sergeant Bennie Jennings and Sergeant Shannon Brinkley. Examiner Ryan stated she normally works at the Red Bank Driver Service Center but on Friday July 01, 2016, she was filling in at the Bonny Oaks Center. Examiner Ryan stated she was working at counter (1) one and Examiner Seay was stationed at counter (2) two on the day in question.

Examiner Ryan said she observed Examiner Seay waiting on two Hispanic customers at her counter. Examiner Ryan said Examiner Seay asked the customers for their proofs of address. Examiner Ryan stated the customers were talking in Spanish and Examiner Seay couldn't understand them. Examiner Ryan said the customers told Examiner Seay they didn't speak English. Examiner Ryan said Examiner Seay told the customers that she couldn't help them if they couldn't speak English.

Examiner Ryan said Examiner Seay told the customers that Luis Andrade-Alban was at the Red Bank Driver Service Center and if they went there, he could help them. Examiner Ryan stated she thinks the customers asked for someone who speaks Spanish when they came into the center. Examiner Ryan stated she asked Examiner Seay what they needed and Examiner Seay stated, "they don't understand English."

Examiner Ryan said she told Examiner Seay to give her their paperwork and she will try to help them. Examiner Ryan stated she showed them the application and pointed to address and told them she needed their paperwork. Examiner Ryan said they seemed to understand her and provided the correct paperwork. Examiner Ryan said she gave them the eye test and administered the written exam to obtain a driver's license. Examiner Ryan stated the customers requested a written exam in Spanish. Examiner Ryan stated that when Examiner Seay gave her their paperwork, she stated, "if they can't speak English, I'm not giving them a road test."

On July 21, 2016, Examiner Shirley Seay was interviewed at the Bonny Oaks Driver Service Center by Sergeant Bennie Jennings and Sergeant Shannon Brinkley. Examiner Seay stated that a man walked up to her counter and asked for Luis Andrade-Alban. Examiner Seay said she told the man that Luis was at the Red Bank Center and asked if she could help with the transaction. Examiner Seay stated she asked for his documents and he didn't understand so she asked for his green card. Examiner Seay said the man gave her his green card.

Examiner Seay stated she asked a few more questions and he couldn't understand English and there was a woman with him that didn't understand as well. Examiner Seay said she was having a real tuff time understanding them and Examiner Ryan asked if she could help. Examiner Seay stated she called another ticket and helped the next customer. Examiner Seay stated that she told Ebony that it is so difficult when they don't have anyone with them that can help us interpret and that's why Luis was so valuable to Bonny Oaks.

Examiner Seay said she did not tell Examiner Ryan that she wouldn't do a road test for someone that couldn't speak English. Examiner Seay admitted to telling the customers that if they wanted to see Luis, they could go to the Red Bank Driver Service Center. Examiner Seay stated that she was trying to help the customers by telling them where Luis was working and there were no ill intentions in her actions.

Summary of Evidence:

On July 21, 2016, Examiner Peggy Ryan observed Examiner Shirley Seay waiting on two Hispanic customers. Examiner Ryan stated the customers and Examiner Seay could not understand each other. Examiner Seay stated she didn't understand the customers because they couldn't speak English. Examiner Ryan asked Examiner Seay to give her their paperwork and she would try to assist them. Examiner Ryan stated that when Examiner Seay gave her their paperwork, she told her that, "if they can't speak English, I'm not giving them a road test."

Examiner Seay admitted to telling the customers that Examiner Luis Andrade-Alban spoke Spanish and he was currently working at the Red Bank Driver Service Center and could assist them. Examiner Seay stated that she was trying to help the customers by telling them where Luis was working and there were no ill intentions in her actions. Examiner Seay did not admit to telling Examiner Ryan that she wouldn't do a road test for someone that couldn't speak English.

Appendices or Attachments:

1. Classification:

Serious Misconduct / Sub- Classification: Unprofessional Conduct

2. Disciplinary Matrix category and disciplinary action range:

Moderate Misconduct / Job Performance
First Offense - Written Warning to Termination

3. Please refer to the following Departmental General Orders for possible policy violation(s):

General Order 216-2: III, A, 1, 2, B, 2, a, 3, d, (1), 4, B, C, (3), 5, b, 6, b, c:

4. Similar case with discipline imposed:

- Serious Misconduct / CC2015-0013
Allegation: Discrimination
Unfounded: April 13, 2015
Action Taken: None

5. Annual Performance Evaluation - Valued Performance - 9/30/15

6. Sustained Disciplinary History:

Administrative Investigation - Case # AD2013-0071
Received Date: April 21, 2013
Allegation: Funds Management Violation
Result: Sustained
Disciplinary Action: Suspension - Two (2) Days w/o Pay

Administrative Investigation - Case # AD2013 - 0136

Received Date:	August 30, 2013
Allegation:	Funds Management Violation
Result:	Sustained
Disciplinary Action:	Suspension - Five (5) days w/o Pay



**STATE OF TENNESSEE
DEPARTMENT OF SAFETY AND HOMELAND SECURITY**

**1150 FOSTER AVENUE
NASHVILLE, TN. 37243**

**BILL HASLAM
GOVERNOR**

**DAVID PURKEY
COMMISSIONER**

TO: Lori Bullard
Assistant Commissioner

FROM: James R. Troup, District Manager

DATE: 09/19/2016

SUBJECT: Finding & Disciplinary Recommendation
Case Number: AD2016-0122

After reviewing the investigative case summation for case number AD2016-0122-Seay, I find the allegations to be sustained. Mrs. Seay made discriminatory comments about a customer's inability to speak English and stated she would refuse services based on that fact.

Examiner Seay's action was a violation of General Order 216-2; therefore, I recommend she receive a written reprimand as disciplinary action in this incident.

**TENNESSEE DEPARTMENT OF SAFETY & HOMELAND SECURITY
INSPECTIONAL SERVICES BUREAU
INTERNAL INVESTIGATIONS UNIT**

Disciplinary History

Part I - Personal Information

Name: DL Examiner Shirley H. Seay
Hire Date: June 16, 2011
Division: Assist. Comm. / D.L.
Assignment: DL District – 2
Education: Unknown

Part II - Investigations

Citizen Complaint -

Case #: CC2013-0008

Received Date: January 28, 2013
Allegation: Unbecoming Conduct
Result: Exonerated, January 31, 2013
Disciplinary Action: No Action Taken

Administrative Investigation -

Case #: AD2013-0071

Received Date: April 25, 2013
Allegation: Funds Management Violation
Result: Sustained, June 5, 2013
Disciplinary Action: Suspension – 2 days without pay

Administrative Investigation -

Case #: AD2013-0136

Received Date: August 30, 2013
Allegation: Funds Management Violation
Result: Sustained, October 4, 2013
Disciplinary Action: Suspension - 5 days w/o pay

APPENDIX D

LIMITED ENGLISH PROFICIENCY

POLICY



GENERAL ORDER

Number:	271
Page:	1 of 3
Subject:	Communication with Persons with Limited English Proficiency
Date:	31 December 2011
Distribution:	All Employees

I. PURPOSE:

To establish policy and procedures for the employees of the Tennessee Department of Safety and Homeland Security concerning the above captioned subject.

II. POLICY:

The Tennessee Department of Safety and Homeland Security (DOSHS) will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in our services, activities, programs, and other benefits. The policy of the DOSHS is to ensure meaningful communication with LEP customers and members of the motoring public and their authorized representatives in any business related to the Department. The policy also provides for communication of information contained in vital documents, including but not limited to: driver license applications, motor vehicle records, financial responsibility forms, etc. Aids that are needed to comply with this policy (e.g., contract translation services, driver license examinations in languages other than English) shall be provided without cost to the person being served when available, and customers and their families will be informed of the availability of such assistance free of charge.

Language assistance will be provided through the use of competent bilingual staff (where available), contracts or formal arrangements with local organizations providing interpretation or translation services, or technology and telephonic interpretation services. All employees will be provided notice of this policy and procedure, and employees that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter.

The DOSHS will conduct a regular review of the language access needs of our motoring population, as well as update and monitor the implementation of this policy and these procedures, as necessary.

III. PROCEDURES:

A. Identifying LEP Persons and Their Language:

The DOSHS will attempt to promptly identify the language and communication needs of the LEP person. In addition, when records are kept of past interactions with customers, the language used to communicate with the LEP person will be included as part of the record.

B. Obtaining a Qualified Interpreter:

1. The Department will maintain an accurate and current list showing the name, language, phone number, and hours of availability of bilingual staff. This list is to be maintained by the Human Resources Division of the Department.
2. The Department will contact the appropriate bilingual staff member to interpret, in the event that an interpreter is needed, if an employee who speaks the needed language is available and is qualified to interpret.
3. The Department will obtain an outside interpreter, if a bilingual staff member or staff interpreter is not available, or does not speak the needed language. Particularly in the case of the Tennessee Highway Patrol, a Trooper or citizen would call Dispatch or come into one of the District offices. Dispatch would then call the contract translation service agency and give the access code authorizing the service's use. At that point, the translation service would determine which language the citizen spoke, and assign the appropriate translator.
4. Driver Services will attempt to assist LEP persons by one (1) or more of the following methods:
 - a. Offering the knowledge test in different languages;
 - b. Permitting the use of a translation dictionary;
 - c. Interpreting forms and publications in different languages, when necessary;
 - d. Permitting the use of an interpreter during the application process;
 - e. Any other accommodation deemed reasonable by the Department.
5. The DOSHS will also permit LEP persons to use a family member or friend as an interpreter. This is often necessary due to the limited number of bilingual staff in the Driver Services centers. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered.
6. Children and other customers will not be used to interpret, in order to ensure confidentiality of information and accurate communication.

C. Providing Written Translations:

1. When translation of vital documents is needed, each Division in the Department will be responsible for submitting documents for translation into frequently-encountered languages to the staff person assigned these duties in that Division. Original documents being submitted for translation will be in final, approved form and updated with accurate legal information.
2. Facilities will provide translation of other written materials, if needed, as well as written notice of the availability of translation for LEP individuals.
3. The DOSHS will set benchmarks for translation of vital documents into additional languages over time as needed.

D. Providing Notice to LEP Persons:

The DOSHS will inform LEP persons of the availability of language assistance, by providing written notice in languages LEP persons will understand. At a minimum, notices and signs will be posted and provided in Driver Service centers and other points of entry, including but not limited to: county clerk offices where driver license services are offered, and in the Department's Human Resources Office.

E. Monitoring Language Needs and Implementation:

On an ongoing basis, the DOSHS will assess changes in demographics, types of services or other needs that may require re-evaluation of this policy and its procedures. In addition, the DOSHS will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, equipment used for the delivery of language assistance, complaints filed by LEP persons, feedback from customers and community organizations, etc.

APPENDIX E

TITLE VI COMPLAINT FORMS



TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY
COMPLAINT UNDER TITLE VI OF CIVIL RIGHTS ACT OF 1964 AND RELATED
NONDISCRIMINATION AUTHORITIES

To: Tennessee Department of Safety and Homeland Security

I, _____, hereby file an official complaint against
(Complainant's Name)

(Name of Person or Agency) Located at: _____

Complainant's Name: _____

Complainant's Address: _____

Basis of Complaint: _____

(Attach extra paper if necessary)

Date of alleged discrimination: _____

Signed: _____

Date: _____

To be completed by the Department of Safety and Homeland Security

Complaint received on _____ Date

Title VI Coordinator



**STATE OF TENNESSEE
TENNESSEE DEPARTMENT OF SAFETY**

WITHDRAWAL OF COMPLAINT OR APPEAL FOR FAIR HEARING

DATE: _____

TO: Tennessee Department of Safety

I, _____, hereby withdraw my complaint or appeal

Filed on _____ against _____ located at
(Date) (Name)

(Address)

Complainant's Name: _____

Complainant's Address: _____

Reason for Withdrawal: _____

(Attach extra paper if necessary)

Signed: _____



**STATE OF TENNESSEE
TENNESSEE DEPARTMENT OF SAFETY**

REPORT OF INVESTIGATION

I, _____, representing _____
(Investigator) (Name)

have investigated the complaint filed on _____ by _____
(Date) (Name of Complainant)

alleging discrimination occurred which was in violation of the provisions of Title VI
of the Civil Rights Act of 1964.

The results of the investigation are as follows: (Circle the appropriate letter)

- A. The agency or person was found to be in violation of Title VI.
- B. The agency or person was not found to be in violation of Title VI.
- C. The complainant withdrew the complaint using Form DOS VI-2.

A copy of the investigative report is attached.

NOTE: If the agency or person was found to be in violation of Title VI, briefly describe the
remedial action taken to assure future compliance:

(Investigator)

(Date)



**STATE OF TENNESSEE
TENNESSEE DEPARTMENT OF SAFETY**

APPEAL FROM FINDING

I, _____, wish to appeal the finding made on _____
(Date of Finding)

by _____ of () Non-Discrimination or () The proposed remedial
action by the agency in the Title V I complaint as filed by:

_____ on _____ against
(Complaint) (Date of filing)

_____ at _____
(Person or Agency) (Location)

Signed: _____
(Appellant)

(Address)

(Date of Appeal)



TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY

TITLE VI INITIAL SELF-SURVEY

1. Date of Survey: _____
2. Type of Survey: ☐ Initial ☐ Other
3. Name of Facility / Division: _____
Street Address: _____

City County State
4. Name of Administrative Head: _____
Title: _____
5. Non-Discrimination Policies: Does your division have a written policy stating that services will be provided to all persons without regard to race, color, national origin, sex, age, disability, low income, or limited English proficiency?
☐ YES ☐ NO
If YES, attach a copy. FOR INITIAL SURVEY ONLY.
6. Posters: Are posters containing Title VI information prominently displayed within the facility?
☐ YES ☐ NO
7. Do these posters show the name of Title VI Coordinator to whom complaints should be referred?
☐ YES ☐ NO
8. Records: Are permanent records kept of all Title VI complaints?
☐ YES ☐ NO
9. Complaints: If applicable, describe below any complaints received in this reporting period:

Name of Complaint	Race	Charge	Findings
10. Dissemination: Is Title VI information disseminated to your employees and your clients/applicants?
☐ YES ☐ NO
If yes, describe how employees are informed: _____

Describe how clients/applicants are informed: _____

11. Are you confident that applicants and clients are clearly aware of their rights under Title VI, including the right to file a complaint?
☐ YES ☐ NO
12. Are new employees clearly informed about their specific responsibilities to clients under Title VI?
☐ YES ☐ NO
13. Are staff members periodically re-oriented or refreshed on information detailing their Title VI responsibilities?
☐ YES ☐ NO

If yes, state by whom and how: _____

14. Compliance Assurance: Do all contracts that provide direct services to clients contain a Title VI statement of compliance?
☐ YES ☐ NO
15. Are you confident that each of your sub-contractors or vendors, if any, are clearly aware of your agency's commitment to Title VI?
☐ YES ☐ NO
16. Courtesy Titles: Does a written policy exist which states that courtesy titles (i.e., Mr., Mrs., Ms., and Miss) will be used by staff to address clients without regard to race, color, national origin, sex, age, disability, low income, or limited English proficiency in both oral and written communications?
☐ YES ☐ NO
17. Are all physical areas (e.g., exits, waiting room, dining areas, rest room, etc.) provided and used without regard to race, color, national origin, sex, age, disability, low income, or limited English proficiency of clients?
☐ YES ☐ NO

If no, identify the areas which are not used jointly and explain why: _____

18. Is there a particular Title VI area in which you would like assistance? Please describe: _____

19. Comments: State below any particular problems you find with the manual, self-survey, etc.: _____

DECLARATION OF RESPONDENT: I declare that I have completed the data in this survey and to the best of my knowledge and belief, it is true, correct, and complete.

Signature of Person Completing Self-Survey

Date

DECLARATION OF ADMINISTRATIVE HEAD: I declare that I have reviewed and approved that information provided in this self-survey and to the best of my knowledge and belief, it is true, correct, and complete.

Administrative Head

Date



TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY

TITLE VI ANNUAL COMPLIANCE ASSESSMENT

Instructions: This report is used annually to evaluate your division's or agency's organization regarding Title VI compliance. Please respond to each question and provide any supporting documentation requested.

Name of Division / Agency / Organization: _____

Address: _____

Contact Name: _____ Contact Phone #: _____

1. Are services from this division or organization provided to clients without regard to race, color, national origin, sex, age, disability, low income, or limited English proficiency? ☐ YES ☐ NO
2. Does a written procedure exist for hearing and reviewing Title VI complaints? ☐ YES ☐ NO
3. Are records maintained regarding all alleged cases of discrimination? ☐ YES ☐ NO
4. Are notices and posters prominently displayed and used to emphasize the Title VI program and complaint opportunities? ☐ YES ☐ NO
5. Are notices and posters available in languages other than English? ☐ YES ☐ NO
6. Are all clients specifically informed about their individual rights under Title VI? ☐ YES ☐ NO
7. Are new and existing employees clearly informed about their responsibilities to clients under Title VI? ☐ YES ☐ NO
8. Do contracts between this agency / organization and another party include a Title VI statement of compliance clause? ☐ YES ☐ NO
9. Are other parties which contract with this agency (e.g., vendors, sub-contractors) clearly informed by this agency about their own responsibilities to clients under Title VI standards? ☐ YES ☐ NO
10. Does a written policy exist which states that the staff will use courtesy titles (i.e., Mr., Mrs., Ms., and Miss) to address clients without regard to race, color, national origin, sex, age, disability, low income, or limited English proficiency in both oral and written communications? ☐ YES ☐ NO
11. How do you ensure persons with Limited English Proficiency (LEP) can access your services?

12. Please list any active complaints or lawsuits filed within the last year against your agency, organization, or division which alleges discrimination on the basis of race, color, national origin, sex, age, disability, low income, or limited English proficiency. Include the nature of the complaint and summary of findings .

13. Please list any federal, state, or local Title VI compliance review(s) received by your agency, organization, or division in the last year. Include who conducted the review and any findings of non-compliance.

DECLARATION OF RESPONDENT: I declare that I have completed the data in this survey and to the best of my knowledge and belief; it is true, correct, and complete.

Signature of Person Completing Assessment

Date

Position: _____

DECLARATION OF ADMINISTRATIVE HEAD: I declare that I have reviewed and approved that information provided in this assessment and to the best of my knowledge and belief; it is true, correct, and complete.

Administrative Head

Date

APPENDIX F
TITLE VI
COMPLIANCE AUDIT
FORMS & DATA

TDOSHS Title VI Compliance Audits Schedule 2016

Audit Month	Contractor	District/Program Responsible	Person Responsible	Date Received by Title VI Coordinator	Audit Reviewed by Title VI Coordinator	Title VI Compliance Met	Follow up – if Necessary
January	Anderson County Clerk (all locations)	1	Cheryl Huff	02/23/2016	Yes	Yes	
	Grundy County Clerk	2	James Troup	03/01/2016	Yes	Yes	
	Cheatham County Clerk	3	Melissa McLeod	04/29/2016	Yes	Yes	
	Haywood County Clerk	8	Mitzie Henson	02/25/2016	Yes	Yes	
	Claiborne County Clerk	5	Ronnie McDaniel	04/14/2016	Yes	Yes	
	Clay County Clerk	6	Barbie Martin	03/24/2016	Yes	Yes	
	Dickson County Clerk	7	Glyndora Graves	02/26/2016	Yes	Yes	
	Benton County Clerk	8	Mitzie Henson	03/15/2016	Yes	Yes	
February							
	Campbell County Clerk	1	Cheryl Huff	03/29/2016	Yes	Yes	
	Hamilton County Clerk	2	James Troup	02/25/2016	Yes	Yes	
	City of Clarksville	3	Melissa McLeod				
	Lake County Clerk	8	Mitzie Henson	02/26/2016	Yes	Yes	
	Cocke County Clerk	5	Ronnie McDaniel	04/14/2016	Yes	Yes	
	Giles County Cleric	7	Glyndora Graves	03/08/2016	Yes	Yes	
	Chester County Clerk	8	Mitzie Henson	03/15/2016	Yes	Yes	
March							
	Knox County Clerks (all locations)	1	Cheryl Huff	03/30/2016 & 04/05/2016	Yes	Yes	
	Houston County Clerk	3	Melissa McLeod	04/28/2016	Yes	Yes	
	Shelby County Clerk	4	Kendra White	08/25/2016	Yes	Yes	
	Hamblen County Clerk	5	Ronnie McDaniel	03/29/2016	Yes	Yes	
	Wilson County Clerk	6	Barbie Martin	03/04/2016	Yes	Yes	
	Marshall County Clerk	7	Glyndora Graves	03/07/2016	Yes	Yes	
	Henderson County Clerk	8	Mitzie Henson	03/15/2016	Yes	Yes	
	Gordon Catlett	MREP	John Milliken	03/20/2016	Yes	Yes	
April							
	Morgan County Clerk	1	Cheryl Huff	03/29/2016	Yes	Yes	
	Monroe County Clerk	2	James Troup	03/16/2016	Yes	Yes	
	Wayne County Clerk	7	Glyndora Graves	03/08/2016	Yes	Yes	
	Hancock County Clerk	5	Ronnie McDaniel	06/15/2016	Yes	Yes	
	City of Lawrenceburg	7	Glyndora Graves	03/08/2016	Yes	Yes	

TDOSHS Title VI Compliance Audits Schedule 2016

	Henry County Clerk	8	Mitzie Henson	04/05/2016	Yes	Yes	
	William Gleason	MREP	John Milliken	03/09/2016	Yes	Yes	
May							
	Scott County Clerk	1	Cheryl Huff	03/29/2016	Yes	Yes	
	Polk county Clerk	2	James Troup	03/16/2016	Yes	Yes	
	Hawkins County Clerk	5	Ronnie McDaniel	04/18/2016	Yes	Yes	
	Jefferson County Clerk	5	Ronnie McDaniel	04/14/2016	Yes	Yes	
	Edward Bales	MREP	John Millikin	03/20/2016	Yes	Yes	
June							
	Union County Clerk	1	Cheryl Huff	04/05/2016	Yes	Yes	
	Rhea County Clerk	2	James Troup	03/15/2016	Yes	Yes	
	Johnson County Clerk	5	Ronnie McDaniel	03/17/2016	Yes	Yes	
	Sullivan County Clerk	5	Ronnie McDaniel	03/31/2016	Yes	Yes	
	Karl Batson	MREP	John Milliken	03/20/2016	Yes	Yes	
July							
	Sequatchie County Clerk	2	James Troup	03/15/2016	Yes	Yes	
	Unicoi County Clerk	5	Ronnie McDaniel	04/19/2016	Yes	Yes	
August							
	Washington County Clerk	5	Ronnie McDaniel	04/19/2016	Yes	Yes	
	Greene County Clerk	5	Ronnie McDaniel				
	Grainger County Clerk	5	Ronnie McDaniel	09/30/2016	Yes	Yes	
	John Owens	MREP	John Milliken	03/20/2016	Yes	Yes	
	Norris Tennent	MREP	John Milliken	03/20/2016	Yes	Yes	
	Jim Whitehair	MREP	John Milliken	03/20/2016	Yes	Yes	

TDOSHS Title VI Compliance Audits Schedule 2016

	Henry County Clerk	8	Mitzie Henson	04/05/2016	Yes	Yes	
	William Gleason	MREP	John Milliken	03/09/2016	Yes	Yes	
May							
	Scott County Clerk	1	Cheryl Huff	03/29/2016	Yes	Yes	
	Polk county Clerk	2	James Troup	03/16/2016	Yes	Yes	
	Hawkins County Clerk	5	Ronnie McDaniel	04/18/2016	Yes	Yes	
	Jefferson County Clerk	5	Ronnie McDaniel	04/14/2016	Yes	Yes	
	Edward Bales	MREP	John Milliken	03/20/2016	Yes	Yes	
June							
	Union County Clerk	1	Cheryl Huff	04/05/2016	Yes	Yes	
	Rhea County Clerk	2	James Troup	03/15/2016	Yes	Yes	
	Johnson County Clerk	5	Ronnie McDaniel	03/17/2016	Yes	Yes	
	Sullivan County Clerk	5	Ronnie McDaniel	03/31/2016	Yes	Yes	
	Karl Batson	MREP	John Milliken	03/20/2016	Yes	Yes	
July							
	Sequatchie County Clerk	2	James Troup	03/15/2016	Yes	Yes	
	Unicoi County Clerk	5	Ronnie McDaniel	04/19/2016	Yes	Yes	
August							
	Washington County Clerk	5	Ronnie McDaniel	04/19/2016	Yes	Yes	
	Greene County Clerk	5	Ronnie McDaniel		Yes	Yes	
	Grainger County Clerk	5	Ronnie McDaniel		Yes	Yes	
	John Owens	MREP	John Milliken	03/20/2016	Yes	Yes	
	Norris Tennent	MREP	John Milliken	03/20/2016	Yes	Yes	
	Jim Whitehair	MREP	John Milliken	03/20/2016	Yes	Yes	

APPENDIX G

TITLE VI

TRAINING MATERIALS



Tennessee Department of Safety & Homeland Security

**Compliance with Title VI of the
Civil Rights Act of 1964**

Purpose of Training

- To ensure all TDOSHS management, staff, sub-recipients, contractors, and service beneficiaries are aware of the provisions of Title VI of the Civil Rights Act of 1964 and the minimum requirements to be in compliance with its rules, laws, and regulations.
- Title VI regulations require agencies to provide civil rights training for staff and assign sufficient personnel to ensure effective enforcement. Periodic training should be designed to develop awareness and sensitivity in carrying out federally funded programs.

What is Title VI?

Federal Law

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d)

- **No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.**

Title VI Program Compliance

Purpose: To verify that all federal fund recipient state entities comply with Title VI of the Civil Rights Act of 1964.

- TCA §4-21-203 requires the Tennessee Human Rights Commission to review Title VI monitoring and enforcement procedures, and
- Periodically audit, review, evaluate and report on Title VI compliance efforts and outcomes for each executive branch department and agency

Definitions

- Federal Financial Assistance (FFA) – Award or grant money; loans below fair market value or subsidies; any federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance; others.
- Recipient – Primary recipients include state entities required or authorized to extend FFA to another recipient or sub-recipient for the purpose of carrying out a program.

Definitions (cont.)

- Sub recipient – any entity or individual that receives FFA from a primary recipient to carry out a program (e.g. TDOSHS). Sometimes assistance distributed to an ultimate beneficiary.
- Contractor – any entity or individual who provides any function or service that requires the performance or delivery of assistance to beneficiaries under the terms of a contract with a state entity (e.g. County Clerks and MREP instructors).

To Comply with Title VI

- Appoint a Title VI Coordinator
- Obtain Title VI Training
- Provide Title VI Employee Training for TDOSHS staff
- Ensure contractors receive Title VI Training

To Comply with Title VI

(cont.)

- Develop a Title VI Policy Statement and post in visible areas
- Acquire signed Title VI Assurances
- Monitor ethnicity and gender of contractors and subcontractors
- Include Title VI Assurances in all contracts

Discriminatory Practices Under Title VI

- Denying an individual any program services, financial aid, or benefits;
- Providing a different service, aid, or benefit, or providing them in a manner different than they are provided to others; or
- Segregating or treating individuals separately in any matter related to receiving any program service, aid, or benefit.

Disparate Treatment vs. Disparate Impact

- Disparate treatment means discrimination against an individual.
- Disparate impact means discrimination that occurs as a result of a neutral policy which appears harmless on the surface, but negatively affects a group of people. Example
 - When hiring laborers, an employer required applicants to have a high school diploma. The diploma requirement screened out vastly more blacks than it did whites.Therefore, there was a disparate impact based on race, even though there was no intentional discrimination.

Retaliation

- Retaliation occurs when a recipient or another person intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with any right or privilege secured by Title VI, or because a person made a complaint, testified, assisted, or participated in any manner in an investigation or proceeding under Title VI

THRC Rule 1500-01-03-.06(3)(c) & 28 CFR

42.107

Develop a Public Participation Plan

Engage the Public with the opportunity to make them aware of projects or services and to provide input in the decision-making process through :

- Public Meetings/Hearings in centralized locations;
- Advertisement with Local Media Resources and Minority Newspapers;
- Direct Mailings;
- Public Service Announcements;
- Website, and
- Radio and Television.

Ensure your Contractors and Sub-Contractors follow the same guidelines

- Sub-recipients must ensure that all contractors and sub-contractors awarded F&A funded contracts adhere to Title VI and all other applicable civil rights laws and regulations.

Title VI Complaint Process and Complaint Log

- **How to file a complaint:**
- The complaint must be filed within 180 days of the alleged occurrence or when the alleged discrimination became known to the complainant;
- The complaint should be in writing and signed;
- Determine the jurisdiction, acceptability, and the need for additional information upon receipt to investigate the merit;
- Complaints filed against the sub-recipient should be forwarded to Department of Safety and Homeland Security Title VI coordinator, EEO attorney, or Inspectional Services Bureau for investigation;
- Take final action within 60 days, and
- Provide appeal instructions.

Department of Safety and Homeland Security LEP Policy

- **Who are LEP Persons?**

People who do not speak English as their primary language, and have a limited ability to read, speak, write or understand English.

Department of Safety and Homeland Security LEP Policy

How do we assist customers that do not speak English?

- Use of bilingual staff when available
- THP can contact dispatchers, who have access to the state contracted translation services
- Driver Services:
 - Offering the knowledge test in different languages;
 - Permitting the use of a translation dictionary;
 - Providing forms and publications in different languages;
 - Permitting the use of an interpreter during the application process;
 - Any other accommodation deemed reasonable by the department.

Non-Compliance

Failure or refusal to comply with Title VI of the Civil Rights Act of 1964, other applicable Civil Rights Laws, and implementing departmental regulations.

Sanctions for Non-Compliance

- Withholding of payments to the recipient under the contract until the recipient complies, and/or
- Cancellation, termination or suspension of the contract, in whole or in part

Reporting Obligations

- **The Department of Safety and Homeland Security will submit Title VI Compliance and Implementation plan to the Tennessee Human Rights Commission by Oct. 1 each year**
- **TCA §4-21-203**

TDOSHS Title VI Contact Information

- If you have questions or need additional information regarding Title VI compliance, please contact:

Sandra Curll

Department of Safety and Homeland Security

Title VI Coordinator

sandra.curll@tn.gov

(615) 532-7808

TDOSHS Title VI Training Quiz

1) Title VI of the Civil Rights Act of 1964, states that no person in the United States shall be excluded from participation in any programs, be denied the benefits of, or be subjected to discrimination based on what?

- a. Religion
- b. Disability
- c. Age
- d. Race, Color or National Origin

2) Who is a Limited English Proficient Person?

- a. A person who does not speak English as their primary language and has the limited ability to speak, write or understand English
- b. A person from the United States that cannot read
- c. A person who does not speak English at all
- d. Answers A and C

3) What is Non-Compliance?

- a. Assuring Title VI compliance is met
- b. Failure or refusal to comply with Title VI of the Civil Rights Act of 1964
- c. Putting Title VI Nondiscrimination language in contracts
- d. None of the Above

4. Anyone protected by Title VI that feels they have been discriminated against has _____ days to file a complaint.

- A. 60
- B. 90
- C. 120
- D. 180

APPENDIX H

TITLE VI

POSTERS



Title VI

of the Civil Rights Act of 1964

"No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving federal financial assistance."



Your Rights & Protections

Title VI of the Civil Rights Act of 1964 and supplemental legislation protects you from discrimination based on race, color, national origin, sex, age, disability, low income, and limited English proficiency.

The purpose of the Title VI program is to prohibit agencies that receive federal assistance from discriminating against participants or clients on the basis of race, color, national origin, sex, age, disability, low income, or limited English proficiency. The Tennessee Department of Safety & Homeland Security (TDOSHS) is a recipient of federal financial assistance.

For more information, contact:

Tennessee Human Rights Commission

Phone: (800) 251-3589

Email: ask.thrc@tn.gov

OR

Tennessee Department of Safety & Homeland Security

Address: Attn: Title VI Coordinator

1150 Foster Avenue

Nashville, TN 37243

Phone: (615) 251-5166 or

(866) 849-3548

Email: email.safety@tn.gov

TN

**Safety &
Homeland Security**



Título VI

De la Ley de Derechos Civiles de 1964

"No persona en los Estados Unidos, por motivos de raza, color u origen nacional, se excluirá de la participación en, ser negado el beneficio de o ser sujeto a discriminación bajo cualquier programa o actividad que reciba asistencia financiera federal."



Sus Derechos Y Protecciones

Título VI de la Ley de Derecho Civiles de la legislación de 1964 y complementaria lo protege contra la discriminación basada en raza, color, origen nacional, sexo, edad, discapacidad, ingresos bajos y limitado conocimiento de inglés.

El propósito del programa Título VI es prohibir a las agencias que reciben asistencia federal de discriminación en contra de los participantes o clientes sobre la base de raza, color, origen nacional, sexo, edad, discapacidad, bajos ingresos, o dominio limitado del inglés. El Departamento de Tennessee de la seguridad y la seguridad de la patria (TDOSHS) es un receptor de asistencia financiera federal.

Para obtener más información, comuníquese con:

Comisión de derechos humanos de Tennessee

Teléfono: (800) 251-3589

correo electrónico: ask.thrc@tn.gov

OR

Tennessee Department of Safety & Homeland Security

Dirección: Attn: Title VI Coordinator

*1150 Foster Avenue
Nashville, TN 37243*

*Teléfono: (615) 251-5166 or
(866) 849-3548*

Correo electrónico: email.safety@tn.gov



**Safety &
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